

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROGER RAY HOUSE,

Defendant-Appellant.

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UNPUBLISHED

April 16, 1996

No. 185696

LC No. 95000019 FC

Before: Cavanagh, P.J., and Marilyn Kelly and J.R. Johnson,\* JJ.

MEMORANDUM.

Defendant pleaded guilty to conspiracy to escape prison and breaking and entering. MCL 750.193; MSA 28.390, MCL 750.157a; MSA 28.354(1), MCL 750.110; MSA 28.305. The trial judge sentenced him to three to six years' imprisonment on the conspiracy count and concurrently to five to ten years for the breaking and entering count. He now appeals as of right and we affirm.

Defendant's sole argument on appeal is that his sentences violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). They do not. Defendant's minimum sentences are within the sentencing guidelines' recommended range of three to five years. Thus, they are presumptively neither excessively severe nor unfairly disparate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987). Defendant has not demonstrated unusual circumstances that would allow us to find that the judge abused his discretion in imposing the sentences. *Milbourn, supra*. To the contrary, he has a lengthy criminal record and was on parole when he committed the present unlawful acts. Defendant's sentences are proportionate to both the offenses and the offender. *Id.*

Affirmed.

/s/ Mark J. Cavanagh

/s/ Marilyn Kelly

/s/ J. Richardson Johnson

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\* Circuit judge, sitting on the Court of Appeals by assignment.