

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JULE A. BROUSSARD,

Defendant-Appellant.

UNPUBLISHED

March 14, 1997

No. 194256

Cass Circuit Court

LC No. 94-008213

Before: Bandstra, P.J., and Hoekstra and J.M. Batzer,* JJ.

PER CURIAM.

Defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, and was sentenced to eight to fifteen years' imprisonment. He now appeals, and we affirm.

Defendant argues that his sentence of eight to fifteen years' imprisonment violates the principle of proportionality set forth in *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant's sentence is within the minimum guidelines' range and is therefore presumptively proportionate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987). We have reviewed defendant's arguments and conclude that defendant has failed to present any unusual circumstances to overcome the presumption of proportionality. Therefore, defendant's sentence is proportionate. *Milbourn, supra* at 661. The trial court did not abuse its discretion in imposing this sentence. *Id.* at 636.

Although defendant asserts that the cumulative effect of his consecutive sentences for armed robbery and perjury should be considered in determining proportionality, this Court has repeatedly held that the proportionality of consecutive sentences should not be determined on a cumulative basis. *People v Hardy*, 212 Mich App 318, 320; 537 NW2d 267 (1995); *People v Clark*, 207 Mich App 500, 502; 526 NW2d 357 (1994). Therefore, this argument is without merit.

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

We affirm.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ James M. Batzer