

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER LAMONT POOLE,

Defendant-Appellant.

UNPUBLISHED

February 19, 1999

No. 200301

Muskegon Circuit Court

LC No. 96-139176 FH

Before: Gribbs, P.J., and Saad and P.H. Chamberlain,* JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). He was sentenced as an habitual offender, second offense, MCL 769.10; MSA 28.1082, to a term of five to thirty years in prison, to run consecutive to his preexisting sentence for assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279. Defendant appeals by right and we affirm.

On appeal, defendant argues that the trial court abused its discretion by imposing a sentence that violates the principles of proportionality and individualized sentencing. In particular, defendant contends that the trial court failed to consider his potential for rehabilitation, as indicated by his successful completion of boot camp related to his prior felony conviction, or the circumstances of his current offense, which involved less than two grams of cocaine. We disagree.

Contrary to defendant's argument, the trial court specifically referred to defendant's completion of boot camp. However, the trial court also noted that defendant committed the instant offense approximately one year after being released on parole from the boot camp program. Defendant's continued criminal behavior, in violation of his parole, both after boot camp and after his arrest for the instant offense, indicates little potential for reform and rehabilitation. See, e.g., *People v Cevantes*, 448 Mich 620, 628; 532 Mich 831 (1995). It was not inappropriate for the trial court to

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

consider defendant's other criminal conduct. *People v Ewing (After Remand)*, 435 Mich 443; 458 NW2d 880 (1990); *People v Granderson*, 212 Mich App 673; 538 NW2d 471 (1995).

We are unpersuaded that the amount of cocaine involved in this case substantially reduces the seriousness of the offense. There was evidence that defendant was in possession of more rocks of cocaine than ordinarily would be possessed for personal use only, and the jury found that defendant's intent was to deliver.

Defendant's sentence is not disproportionate and the trial court did not abuse its discretion. *People v Hansford (After Remand)*, 454 Mich 320, 326; 562 NW2d 460 (1997).

Affirmed.

/s/ Roman S. Gribbs
/s/ Henry William Saad
/s/ Paul H. Chamberlain