

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

BRIAN J. PIETRANIEC,

Defendant-Appellee.

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UNPUBLISHED

October 1, 1996

No. 184995

LC No. 95-137228-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.\*

MEMORANDUM.

Defendant pleaded guilty as charged to three counts of delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to concurrent terms of lifetime probation. Plaintiff appeals as of right, challenging the imposition of the probationary sentences. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

It was not necessary for the trial court to find substantial and compelling reasons for imposing the sentences of lifetime probation. *People v Martinez*, 448 Mich 869; 530 NW2d 749 (1995). Further, the legislatively mandated sentence of lifetime probation is presumptively proportionate. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Finally, we do not believe plaintiff is entitled to relief due to the trial court imposing concurrent probationary sentences since defendant has only one lifetime. However, in the event defendant violates his probation, any prison terms imposed as a result must be served consecutively. *People v Morris*, 450 Mich 316; 537 NW2d 842 (1995).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

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\*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

/s/ Joseph B. Sullivan