

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JACK MASON BAINBRIDGE,

Defendant-Appellant.

UNPUBLISHED

June 5, 2001

No. 228557

Cass Circuit Court

LC No. 00-010135-FH

Before: Jansen, P.J., and Zahra and Owens, JJ.

MEMORANDUM.

Defendant appeals as of right from his guilty plea-based conviction for non-support, MCL 750.161; MSA 28.358. Defendant was sentenced to nine months in jail. We affirm.

On appeal, defendant argues that sentencing guideline variable OV 19 was improperly scored, and his sentence was disproportionate. These claims are without merit. With OV 19 scored at 10 points, the guidelines range was 0 to 11 months. With OV 19 scored at 0, the guidelines range would be 0 to 9 months. Under either scoring, defendant's sentence was within the guidelines. A sentence within the guidelines is presumptively proportionate. *People v Broden*, 428 Mich 343; 408 NW2d 789 (1987). Defendant has failed to present any unusual circumstances that would overcome that presumption. *People v Hogan*, 225 Mich App 431, 437; 571 NW2d 737 (1997).

Affirmed.

/s/ Kathleen Jansen

/s/ Brian K. Zahra

/s/ Donald S. Owens