

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

QUENTIN NATHANIEL BOWDEN,

Defendant-Appellant.

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UNPUBLISHED

February 14, 2006

No. 257982

Wayne Circuit Court

LC No. 92-001187-01

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

MEMORANDUM.

Defendant appeals as of right his sentence of six to twenty years in prison imposed after his conviction of probation violation. We affirm.

In 1992, defendant pleaded guilty of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv). At that time, MCL 333.7401(2)(a)(iv) provided that a person convicted of that offense could be imprisoned for not less than one year or more than twenty years, or placed on probation for life. On March 16, 2002, the trial court sentenced defendant to lifetime probation.

Over the next decade, defendant was convicted of violating his probation on six occasions. On each occasion, the trial court continued him on lifetime probation. On July 27, 2004, defendant pleaded guilty to violating his probation a seventh time by being convicted of a controlled substance offense in Kent County. The trial court sentenced defendant to six to twenty years in prison, with credit for 131 days.

Offenses committed before January 1, 1999, are subject to the judicial sentencing guidelines. *People v Reynolds*, 240 Mich App 250, 253; 611 NW2d 316 (2000). The judicial sentencing guidelines do not apply to probation violations, *People v Cotton*, 209 Mich App 82, 84; 530 NW2d 495 (1995), and those guidelines are not to be considered when imposing a sentence after a conviction of probation violation. *People v Williams*, 223 Mich App 409, 412-413; 566 NW2d 649 (1997). A sentence imposed after a conviction of probation violation is reviewed for an abuse of discretion. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990).

Defendant argues that he is entitled to resentencing because the sentence imposed by the trial court following his conviction of probation violation is disproportionate to his circumstances

and those of the offense. We disagree and affirm defendant's sentence. Defendant was convicted of violating his probation on six previous occasions, but was continued on probation on those occasions. Thereafter, he committed another controlled substance offense. He was given multiple opportunities to reform his behavior, but he did not do so, and thus demonstrated that he was unwilling to conform his behavior to the requirements of the law. The sentence imposed by the trial court following defendant's seventh conviction of probation violation was authorized by statutory law as it existed at the time of defendant's underlying conviction in 1992, and was not disproportionate to defendant's circumstances or those of the offense. *Milbourn, supra*. Defendant is not entitled to resentencing.

Affirmed.

/s/ Stephen L. Borrello  
/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald