

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DERON IRA GLUSKI,

Defendant-Appellant.

UNPUBLISHED

August 13, 1996

No. 186315

LC No. 95-006042-FH

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Defendant pleaded guilty to prison escape, MCL 750.193; MSA 28.390, breaking and entering an unoccupied building with the intent to commit larceny, MCL 750.110; MSA 28.305, breaking and entering an occupied dwelling with the intent to commit larceny, MCL 750.110; MSA 28.305, larceny over \$100, MCL 750.356; MSA 28.588, and habitual offender, second offense, MCL 769.10; MSA 28.1082. For those respective convictions, defendant was sentenced to enhanced terms of three to seven years' imprisonment, six to fifteen years' imprisonment, eight to twenty years' imprisonment, and three to seven years' imprisonment. The sentence for prison escape is to be served consecutively to the sentences for the other convictions as well as the sentence defendant was serving at the time of his escape. Defendant appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court properly assessed ten points for Offense Variable 8 of the sentencing guidelines, indicating a "pattern of criminal activities over a period of time." *People v Ayers*, 218 Mich App 708 (1995). The record reveals a pattern of theft offenses from the time that defendant was a juvenile until

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

adulthood, when he committed the instant offenses, and indicates no other source of livelihood for defendant during this period. Next, defendant was not denied due process on the basis that the sentencing guidelines do not apply to habitual offenders, *People v Cervantes*, 448 Mich 620; 532 NW2d 831 (1995). The key test is whether the sentence is proportionate, and the principle of proportionality is still applied to the review of an habitual offender's sentence. *People v Milbourn*, 435 Mich 630, 661, n 29; 461 NW2d 1 (1990). Finally, considering defendant's extensive criminal history in a short period of time and, contrary to defendant's assertion, the fact that his crimes had become more egregious, involving weapons, defendant's sentences do not violate the principle of proportionality. *Milbourn, supra*.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.