

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LOUIS L. THREKELD, JR.,

Defendant-Appellant.

UNPUBLISHED

March 4, 1997

No. 180306

Oakland Circuit

LC Nos. 94-130561-FH;

94-134520-FC

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded nolo contendere in lower court case no. 94-130561-FH to felonious assault, MCL 750.82; MSA 28.277, and was sentenced to 273 days in jail. Defendant pleaded guilty in lower court case no. 94-134520-FC to armed robbery, MCL 750.529; MSA 28.797, and habitual offender, second offense, MCL 769.10; MSA 28.1082, for which he was sentenced to five to thirty years' imprisonment, to be served consecutively to the first sentence. Defendant appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant was sentenced in compliance with the plea agreement. *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993). Hence, our review is limited to whether defendant has established a basis for relief on the ground that inaccurate information was used at sentencing. *People v Daniels*, 192 Mich App 658, 675; 482 NW2d 176 (1992). We find that defendant has not established a basis for relief because there is evidence to support the trial court's score of ten points for Offense Variable 6. It was not necessary that the customer be present when the store clerk gave money to defendant. It was sufficient that the customer was placed in danger of injury or loss of life at the onset of the criminal

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

transaction. *People v Chesebro*, 206 Mich App 468; 522 NW2d 677 (1994); *People v Johnson*, 202 Mich App 281, 287-288; 508 NW2d 509 (1993). See also the Michigan Sentencing Guidelines (2d ed), p 10 (defining “transaction” for the purpose of the guidelines as “acts occur[ring] in a continuous time sequence and display[ing] a single intent or goal”).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar