

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTONIO DEQUAN DUNN,

Defendant-Appellant.

UNPUBLISHED

March 4, 1997

No. 180833

Genesee Circuit

LC No. 94-050575-FC

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

MEMORANDUM.

Defendant pleaded guilty of second-degree murder, MCL 750.317; MSA 28.549, and was sentenced to fifteen to thirty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). Defendant received a sentence within the guidelines, as he requested. The sentence is therefore presumptively proportionate. *People v Dukes*, 189 Mich App 262, 266; 471 NW2d 651 (1991). Defendant has not overcome that presumption. Although this was defendant's first conviction, it was a very serious offense and, overall, there were few positive points in defendant's background. Furthermore, the trial court was not required to take the codefendants' sentences into account in its sentencing decision. *In re Dana Jenkins*, 438 Mich 364, 376; 475 NW2d 279 (1991). Because defendant was the one who shot the victim and carried the gun into the victim's home, the trial court did not err in imposing a harsher sentence on defendant.

*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.

Defendant has waived any objection regarding the accuracy of the presentence investigation report by failing to object at the time of sentencing. *People v Sharp*, 192 Mich App 501, 504-505; 481 NW2d 773 (1992). Moreover, defendant's motion to remand to the trial court for correction of the presentence investigation report was previously denied on the merits by a panel of this Court. That panel's decision is the law of the case on this issue. *People v Douglas*, 122 Mich App 526, 529-530; 332 NW2d 521 (1983).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar