

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MELVIN DAVIS,

Defendant-Appellant.

UNPUBLISHED

March 4, 1997

No. 182194

Recorder's Court

LC No. 94-006219

Before: Fitzgerald, P.J., and Griffin and M.R. Knoblock,* JJ.

MEMORANDUM.

Defendant pleaded guilty to two counts of armed robbery, MCL 750.529; MSA 28.797, and one count of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to five to fifteen years' imprisonment for each of the robbery convictions, plus two years' consecutive imprisonment for the felony-firearm conviction. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

There is no ambiguity in the record with respect to the correct sentencing guidelines' range. Reading the entire sentencing transcript in context, it is clear that the "other one" referred to by the court was one of the two armed robberies that defendant was involved in. The court and counsel agreed that defendant would be sentenced based on the guidelines' range for the robbery with the highest scores. This claim is without merit.

Defendant's sentences for the armed robbery convictions are within the recommended range of the sentencing guidelines and do not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Dukes*, 189 Mich App 262, 266; 471 NW2d 651 (1991).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Richard Allen Griffin

/s/ M. Richard Knoblock