

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY J. TAYLOR,

Defendant-Appellant.

UNPUBLISHED

June 24, 1997

No. 193403

95-8357

LC No. 95-8357

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Following bench trial convictions for armed robbery, carrying a concealed weapon, and possession of a firearm in the commission of a felony, defendant on this appeal of right challenges his 5 to 25 year sentence for armed robbery and consecutive 2 year sentence for felony firearm as disproportionate to the offenses and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). This case is being decided without oral argument pursuant to MCR 7.214(E).

The guideline range calculated by the trial court for defendant's offense, without current objection, was 2 to 6 years on the minimum for the armed robbery charge. Defendant has failed to overcome the presumption that a sentence within the guidelines is proportionate to the offense and the offender, *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994), particularly where, as here, the circumstances of the offense involved the defendant discharging his pistol during the robbery.

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra