

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

YOLANDA LEE SALAZAR,

Defendant-Appellant.

UNPUBLISHED

July 15, 1997

No. 192585

Ottawa Circuit Court

LC No. 95-018653 FC

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Defendant pleaded guilty to second-degree murder, MCL 750.317; MSA 28.459, aiding a prisoner to escape, MCL 750.183; MSA 28.380, and two counts of felony-firearm, MCL 750.227b; MSA 28.424(2), and was sentenced to 240 to 600 months' imprisonment, fifty-six to eighty-four months' imprisonment and two terms of two years' imprisonment, respectively. Defendant appeals as of right. We affirm.

Defendant's scoring challenges do not state a cognizable claim for appellate relief. *People v Mitchell*, 454 Mich 145, 175-177; ___ NW2d ___ (1997). Moreover, defendant has failed to demonstrate on the instant record that counsel rendered ineffective assistance at sentencing. *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994); *People v Hedelsky*, 162 Mich App 382, 387; 412 NW2d 746 (1987). Defendant is not entitled to resentencing or a remand for the supplementation of the record because the lower court record does not contain defendant's sentencing memorandum or an attached letter from her therapist. Appellate review would not be facilitated by these documents because the record indicates that the trial court did not rely on either in fashioning defendant's sentences. Finally, defendant has failed to overcome the presumption that a sentence within the guidelines is proportionate to the offense and the offender, especially in light of the benefit bestowed upon defendant by the plea agreement. *People v Ward*, 206 Mich App 38, 44-45; 520 NW2d 363 (1994); *People v Eberhardt*, 205 Mich App 587, 591; 518 NW2d 511 (1994).

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

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple