

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH MATTHEWS,

Defendant-Appellant.

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UNPUBLISHED

June 12, 1998

No. 199237

Recorder's Court

LC No. 96-002361

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Although charged with aggravated stalking, MCL 750.411i; MSA 28.643(9), defendant was convicted of the misdemeanor offense of stalking, MCL 750.411h; MSA 28.643(8), and was sentenced to three years' probation. Defendant appeals as of right. We affirm.

The magistrate did not abuse her discretion when she bound over defendant on the charge of aggravated stalking where the prosecutor presented evidence from which it could be inferred that defendant had notice of the personal protection order prohibiting him from any form of contact with the victim. MCL 750.411i(2)(a); MSA 28.643(9)(2); *People v Kieronski*, 214 Mich App 222; 542 NW2d 339 (1995).

We decline to review defendant's great weight of the evidence challenge because defendant failed to preserve the issue by moving timely for a new trial below. *People v Winters*, 225 Mich App 718, 729; \_\_\_ NW2d \_\_\_ (1997); *People v Dukes*, 189 Mich App 262, 264; 471 NW2d 651 (1991).

Affirmed.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage