

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL LEWIS DOZIER,

Defendant-Appellant.

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UNPUBLISHED

June 12, 1998

No. 200619

Recorder's Court

LC No. 91-011951

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

MEMORANDUM.

Defendant appeals as of right from his resentencing to a term of 25 to 50 years in prison on a second degree murder charge, MCL 750.317; MSA 28.549. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was initially sentenced to thirty to sixty years' imprisonment. This Court affirmed defendant's conviction, but remanded the matter for resentencing before a different judge, based on an error in scoring offense variable three. *People v Dozier*, unpublished opinion per curiam, issued October 6, 1995 (Docket No. 155738). The Supreme Court modified this Court's opinion by eliminating the provision that required resentencing before a different judge. *People v Dozier*, 451 Mich 897; 549 NW2d 578 (1996).

Defendant argues that he was denied an impartial judge at resentencing based on the trial court's comments supporting its initial decision on the guidelines scoring. However, the court stated that it would abide by this Court's decision, and it imposed a lesser sentence under the rescored guidelines. There is no showing that defendant was denied an impartial tribunal. *People v Evans*, 156 Mich App 68; 401 NW2d 312 (1986). Defendant has failed to show any unusual circumstances which would make his sentence within the guidelines disproportionate. *People v Rivera*, 216 Mich App 648; 550 NW2d 593 (1996); *People v Sharp*, 192 Mich App 501; 481 NW2d 773 (1992).

Affirmed.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage

