

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RUFUS JONES,

Defendant-Appellant.

UNPUBLISHED

September 18, 1998

No. 198253

Ingham Circuit Court

LC No. 95-068943 FH

Before: Hood, P.J., and Griffin and O'Connell, JJ.

MEMORANDUM.

Defendant pleaded guilty pursuant to a plea and sentence agreement to conspiracy to deliver 50 grams or more, but less than 225 grams of cocaine, MCL 333.7401(1) and (2)(a)(iii); MSA 14.15(7401)(1) and (2)(a)(iii); MCL 750.157a; MSA 28.354(1), and to conspiracy to deliver less than 50 grams of cocaine, MCL 333.7401(1) and (2)(a)(iv); MSA 14.15(7401)(1) and (2)(a)(iv); MCL 750.157a; MSA 28.354(1). In return, the prosecutor agreed to dismiss a charge of conspiracy to deliver more than 650 grams of cocaine, and that defendant's combined minimum sentences would not exceed 17 years. Defendant received consecutive sentences of ten to twenty years' imprisonment and seven and twenty years' imprisonment, respectively which was in accordance with the sentence agreement. Defendant appeals as of right. We affirm.

The trial court correctly imposed consecutive sentences. MCL 333.7401(3); MSA 14.15(7401)(3); *People v Denio*, 454 Mich 691, 695, 704; 564 NW2d 13 (1997). The sentencing agreement entered into by defendant and the prosecutor was not unlawful, *Denio*, *supra*, and, therefore, defendant is not entitled to withdraw his pleas.

Affirmed.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ Peter D.O'Connell