

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

DONALD BUXTON,

Defendant-Appellee.

UNPUBLISHED

July 11, 2000

No. 222329

Wayne Circuit Court

LC No. 97-500107

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Defendant pleaded guilty of delivery of more than 50 grams but less than 225 grams of cocaine, MCL 333.7401(2)(a)(iii); MSA 14.15(7401)(2)(a)(iii). The trial court found substantial and compelling reasons to depart from the mandatory ten-year minimum sentence and sentenced defendant to time served (560 days) and five years probation (three years on tether). The prosecution appeals by leave granted, arguing only that the sentence imposed is invalid because it deviates from the statutory minimum sentence of ten years. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The prosecution's appeal brief fails to acknowledge MCL 333.7401(4); MSA 14.15(7401)(4), which authorizes a trial court to deviate downward from a statutory minimum sentence for substantial and compelling reasons, and fails to analyze in any meaningful manner whether the reasons for deviation that were proffered by defense counsel at the sentencing hearing (and apparently relied on by the trial court) were objective and verifiable, as required by *People v Fields*, 448 Mich 58; 528 NW2d 176 (1995). Accordingly, we conclude that appellant has waived this issue on appeal by failing to support its argument with citation to relevant portions of the factual record or citation to applicable legal authority. See *People v Rollins*, 207 Mich App 465, 468; 525 NW2d 484 (1994).

In any event, having reviewed the record, we conclude that defendant's sentence is neither invalid nor does it constitute an abuse of sentencing discretion. *Fields, supra*.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad