

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

LEROY DORSEY,

Defendant-Appellant.

UNPUBLISHED

September 21, 2001

No. 223541

Wayne Circuit Court

LC No. 99-004048

Before: Cavanagh, P.J., and Markey and Cooper, JJ.

MEMORANDUM.

Defendant appeals by right from a conviction of aggravated stalking, MCL 750.411i, for which he was sentenced to five years' probation. We affirm.

Defendant's sole claim on appeal is that the stalking statute is unconstitutional. We disagree. This Court has upheld the constitutionality of the stalking statute. *People v White*, 212 Mich App 298, 308-309; 536 NW2d 876 (1995). Accord *People v Coones*, 216 Mich App 721, 728; 550 NW2d 600 (1996); *People v Ballantyne*, 212 Mich App 628, 629; 538 NW2d 106 (1995). While defendant urges us to follow the contrary ruling in *Staley v Jones*, 108 Fed Supp 2d 777 (WD Mich, 2000), that ruling has been reversed. *Staley v Jones*, 239 F3d 769, 793 (CA 6, 2001). Accordingly, we find that this unpreserved issue does not entitle defendant to relief. *People v Carines*, 460 Mich 750, 763-764; 597 NW2d 130 (1999).

We affirm.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper