

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD EUGENE PERRY,

Defendant-Appellant.

UNPUBLISHED

September 24, 1996

No. 181165

LC No. 93-007652-FC

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded guilty to second-degree murder, MCL 750.317; MSA 28.549, and was sentenced to fifty to seventy-five years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant has failed to preserve for appellate review his challenges to Prior Record Variable 1 and Offense Variable 7. MCR 6.429(C); MCR 7.208(B)(1); MCR 7.211(C)(1); *People v Hernandez*, 443 Mich 1, 14; 503 NW2d 629 (1993); *People v Eaves*, 203 Mich App 356, 358; 512 NW2d 1 (1994). Although the prosecutor concedes that PRV 1 was incorrectly scored and that the guidelines' range should be lowered, a remand for resentencing is not required because the trial court's explanation for the sentence imposed mooted the issue of the proper scoring of the guidelines. *People v Hull*, 437 Mich 868; 462 NW2d 585 (1990).

Defendant's request for relief on the ground that his sentence is disproportionate is denied because he has conceded the proportionality of his sentence by agreeing to it as part of his plea bargain. *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993); *People v Rodriguez*, 212 Mich App 351, 355; 538 NW2d 42 (1995).

Affirmed.

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

/s/ John H. Gillis
/s/ Glenn S. Allen, Jr.
/s/ Joseph B. Sullivan