

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALTAR DARNELL WELLAMS,

Defendant-Appellant.

UNPUBLISHED

February 25, 1997

No. 190957

Recorder's Court

LC No. 93-014359 FC

Before: White, P.J., and Cavanagh and J.B. Bruff,* JJ.

MEMORANDUM.

Defendant pleaded guilty of second-degree murder, MCL 750.317; MSA 28.549. The trial court sentenced defendant to sixteen and a half to forty years' imprisonment. Defendant appeals as of right, and we affirm.

In his sole issue on appeal, defendant contends that he is entitled to resentencing because the trial court impermissibly made a determination regarding the truthfulness of defendant's testimony in the codefendant's trial and therefore sentenced defendant above the prosecutor's recommendation. We find no error requiring reversal. The plea agreement required that defendant be sentenced within the guidelines, and he was. Furthermore, defendant is not entitled to relief because he waived his right to appeal his conviction and sentence as part of the plea agreement.

Affirmed.

/s/ Helene N. White

/s/ Mark J. Cavanagh

/s/ John B. Bruff

* Circuit judge, sitting on the Court of Appeals by assignment.