

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENNETH WAYNE MERRILL, JR.,

Defendant-Appellant.

UNPUBLISHED

March 25, 1997

No. 186895

Antrim Circuit Court

LC No. 94-002911-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to breaking and entering an unoccupied dwelling, MCL 750.110; MSA 28.305, and was sentenced to two to ten years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court did not err in scoring Offense Variable 11 of the sentencing guidelines. *People v Purcell*, 174 Mich App 126, 130-131; 435 NW2d 782 (1989).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.