

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DESHAWN L. BUCHANAN,

Defendant-Appellant.

UNPUBLISHED

March 20, 1998

No. 198473

Recorder's Court

LC No. 95-013826

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE M. CLARK,

Defendant-Appellant.

No. 198478

Recorder's Court

LC No. 95-013826

Before: Gribbs, P.J., and Cavanagh and Saad, JJ.

PER CURIAM.

In Docket No. 198473, defendant Buchanan was convicted of armed robbery, MCL 750.529; MSA 28.797, and first-degree home invasion, MCL 750.110a; MSA 28.305(a), following a bench trial. In Docket No. 198478, defendant Clark was convicted of armed robbery, MCL 750.529; MSA 28.797, first-degree home invasion, MCL 750.110a(2); MSA 28.305(a)(2), and possession of a firearm during the commission of a felony, MCL 750.227b, MSA 28.424(2). Defendant Buchanan was sentenced to concurrent terms of four to fifteen years in prison for the armed robbery conviction, and five to fifteen years for the first-degree home invasion conviction. Defendant Clark was sentenced to two years in prison for the felony-firearm conviction, to be followed by concurrent terms of five to eighteen years for the armed robbery conviction and five to twenty years for the first-degree home invasion conviction. Both defendants appeal as of right. We affirm in both cases.

I

Both defendants argue that there was insufficient evidence presented to support their convictions. When ascertaining whether sufficient evidence was presented at trial to support a conviction, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). Circumstantial evidence and reasonable inferences arising therefrom may be sufficient to prove the elements of a crime. *People v McKenzie*, 206 Mich App 425, 428; 522 NW2d 661 (1994).

Both defendants contend that the complainants were not credible. However, questions of the credibility of the witnesses are for the trier of fact. *People v Velasquez*, 189 Mich App 14, 16; 472 NW2d 289 (1991).

At trial, testimony was presented that two of the complainants were entering their home when three men forced their way into the house. The complainants had not given the men permission to enter the house. Inside the house, defendant Clark held a gun on the complainants while defendant Buchanan and the third man removed various items from the house. Viewed in the light most favorable to the prosecution, this testimony constitutes sufficient evidence of first-degree home invasion and armed robbery. See MCL 750.110a(2)(a), (b); MSA 28.305(a)(2)(a), (b); *People v Allen*, 201 Mich App 98, 100; 505 NW2d 869 (1993). There was also sufficient evidence presented to support defendant Clark's felony-firearm conviction. See *People v Davis*, 216 Mich App 47, 53; 49 NW2d 1 (1996).

II

Next, defendant Buchanan contends that the verdict was against the great weight of the evidence. However, because defendant Buchanan did not timely move for a new trial, this argument is not preserved for appellate review, and we decline to address it. See MCR 2.611(A)(1)(e); *People v Winters*, 225 Mich App 718, 729; 571 NW2d 764 (1997).

III

Finally, defendant Clark asserts that the trial court improperly calculated his score for Offense Variable (OV) 1, OV 2, OV 6, and OV 9 under the sentencing guidelines. However, a putative error in the scoring of sentencing guidelines is not a basis upon which an appellate court can grant relief. *People v Polus*, ___ Mich ___, ___; ___ NW2d ___ (Docket No. 108010, issued 2/5/98), slip op pp 12-13; *People v Mitchell*, 454 Mich 145, 175-178; 560 NW2d 600 (1997). Where, as here, the sentence is not disproportionate, there is no basis for relief on appeal. See *Polus*, *supra* at 10.

Affirmed.

/s/ Roman S. Gribbs
/s/ Mark J. Cavanagh
/s/ Henry William Saad