

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NASSAR A. BOBO,

Defendant-Appellant.

UNPUBLISHED

July 24, 1998

No. 200907

Recorder's Court

LC No. 96-005604

Before: Doctoroff, P.J., and Fitzgerald and Talbot, JJ.

PER CURIAM.

Defendant was charged with felony murder, MCL 750.316; MSA 28.548, armed robbery, MCL 750.529; MSA 28.797, and two counts of assault with intent to rob while armed, MCL 750.89; MSA 28.284. Following a bench trial, he was convicted of armed robbery and one count of assault with intent to rob while armed and was sentenced to concurrent prison terms of twenty to fifty years for each of his convictions. Defendant appeals as of right. We affirm.

Defendant's sole claim on appeal is that the trial court considered improper factors when fashioning defendant's sentence. Whether the trial court employed improper considerations when sentencing a defendant is a question of law that is reviewed de novo on appeal. *People v Harris*, 224 Mich App 597, 599; 569 NW2d 525 (1997).

Defendant argues that the trial judge improperly considered his own personal conclusions regarding defendant's background and character. However, our review of the lower court record reveals that the trial court properly relied upon information found in the presentence investigation report regarding defendant's background and character. *People v McKernan*, 185 Mich App 780, 782; 462 NW2d 843 (1990).

Defendant also argues that the trial court improperly relied on testimony of a witness who testified about a crime for which defendant was not implicated. Defendant does not cite any authority in support of his position and, therefore, the issue is waived for appellate review. *People v Pena*, 224 Mich App 650, 664; 569 NW2d 871 (1997). Nonetheless, the witness' testimony was pertinent in

identifying the car that was used in the crime for which defendant stood trial, and the trial court specifically noted that defendant was not involved in the carjacking.

Defendant also claims that his sentence is disparate to sentences imposed on others in similar circumstances. Defendant's sentence is within the guidelines and is therefore presumptively proportionate. *People v Wybrecht*, 222 Mich App 160, 175; 564 NW2d 903 (1997). Defendant has not cited any unusual circumstances that would rebut this presumption. *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992).

Affirmed.

/s/ Martin M. Doctoroff

/s/ E. Thomas Fitzgerald

/s/ Michael J. Talbot