

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEWAYER WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

January 26, 2001

No. 216070

Wayne Circuit Court

LC No. 98-003095

Before: Collins, P.J., and Doctoroff and White, JJ.

MEMORANDUM.

Defendant was convicted following a bench trial of operating a motor vehicle while under the influence of intoxicating liquor causing serious injury, MCL 257.625(5); MSA 9.2325(5). He was sentenced to serve thirty to sixty months in prison. He appeals as of right and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that his sentence is disproportionate. Defendant's failure to submit to this Court a copy of the presentence investigation report as required by MCR 7.212(C)(7) operates to waive appellate review of his sentencing issue. *People v Oswald*, 208 Mich App 444, 446; 528 NW2d 782 (1995); *People v Rodriguez*, 212 Mich App 351, 355; 538 NW2d 42 (1995).

In any event, defendant's sentence is not disproportionate. Defendant's attempt to compare his offense and sentence to that of negligent homicide, a two-year misdemeanor offense, is not persuasive. Defendant's conduct — driving drunk and arguing with a passenger to the point of a physical altercation — was not mere negligence. Given the egregiousness of defendant's conduct and the grave nature of the victim's injuries, the sentence imposed is not disproportionate.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Martin M. Doctoroff

/s/ Helene N. White