

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SEAN CHRISTOPHER BONE,

Defendant-Appellant.

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UNPUBLISHED

April 6, 2001

No. 220258

Oakland Circuit Court

LC No. 98-162405-FH

Before: Talbot, P.J., and Sawyer and F.L. Borchard\*, JJ.

MEMORANDUM.

Defendant appeals as of right his jury convictions for felonious assault, MCL 750.82; MSA 28.277, felon in possession of a firearm, MCL 750.244f; MSA 28.421(6), and felony-firearm, MCL 750.227b; MSA 28.424(2). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant asserts that he is entitled to resentencing where the trial court improperly relied on uncharged criminal conduct in sentencing. A sentencing court may consider the facts underlying uncharged offenses, pending charges and acquittals if the facts are supported by reliable evidence. *People v Lawrence*, 206 Mich App 378, 379; 522 NW2d 654 (1994). Here, the trial court noted that a brutal beating of another person accompanied the crimes for which defendant was convicted. The trial court stated at sentencing that the victim of these crimes did not receive a beating. Defendant did not raise any further objection, and he did not move for an evidentiary issue, thus the issue is not preserved. *Id.* at 380. Where there was reliable evidence presented that defendant was involved in the beating at some level, there is no showing that the court improperly considered that conduct in passing sentence.

Affirmed.

/s/ Michael J. Talbot

/s/ David H. Sawyer

/s/ Fred L. Borchard

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