

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROOSEVELT JACKSON,

Defendant-Appellant.

UNPUBLISHED
November 9, 2004

No. 249212
Wayne Circuit Court
LC No. 92-009615-01

Before: Murray, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

Defendant appeals as of right from a sentence of two to twenty years imposed on a plea-based conviction of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv), following a determination that he violated the terms of his probation. We affirm.

Defendant's sole claim on appeal is that the trial court erred in ordering that his sentence be served consecutively to a prison sentence imposed on a federal controlled substance conviction. Defendant committed the federal offense several years after the instant offense, but had already been convicted and sentenced when he appeared for sentencing on the instant offense for violation of probation. Whether consecutive sentencing is authorized by a particular statute is a question of law that is reviewed de novo on appeal. *People v Lee*, 233 Mich App 403, 405; 592 NW2d 779 (1999).

Defendant contends that consecutive sentencing was not permitted under MCL 768.7b(2). The prosecutor agrees, as do we. However, consecutive sentencing was clearly permitted under MCL 333.7401(3). *Lee, supra* at 406-407; *People v Hughes*, 217 Mich App 242, 245-246; 550 NW2d 871 (1996).

Affirmed.

/s/ Christopher M. Murray
/s/ David H. Sawyer
/s/ Michael R. Smolenski