

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DORAILONTIE MARTEL STRAWTHER,

Defendant-Appellant.

UNPUBLISHED
February 26, 2009

No. 282936
Wayne Circuit Court
LC No. 05-007345-FC

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

MEMORANDUM.

Following a remand from the Michigan Supreme Court for resentencing, defendant Dorailontie Strawther appeals the sentences imposed on jury convictions for assault with intent to do great bodily harm less than murder,¹ felon in possession of a firearm,² felonious assault,³ possession of a firearm during the commission of a felony,⁴ and malicious destruction of property valued between \$200 and \$1,000.⁵ We decide this appeal without oral argument pursuant to MCR 7.214(E), and we affirm.

Citing *Blakely v Washington*, Strawther's sole argument is that the trial court erred when it scored several offense variables based on facts not found by a jury.⁶ The Michigan Supreme Court has held that *Blakely* does not apply to Michigan's indeterminate sentencing scheme.⁷ Therefore, Strawther's argument lacks merit.

Affirmed.

/s/ William C. Whitbeck
/s/ Peter D. O'Connell
/s/ Donald S. Owens

¹ MCL 750.84.

² MCL 750.224f.

³ MCL 750.82.

⁴ MCL 750.227b.

⁵ MCL 750.377a(1)(c)(i).

⁶ *Blakely v Washington*, 542 US 296; 124 S Ct 2531; 159 L Ed 2d 403 (2004).

⁷ *People v McCuller*, 479 Mich 672, 683; 739 NW2d 563 (2007); *People v Harper*, 479 Mich 599, 615; 739 NW2d 523 (2007); *People v Drohan*, 475 Mich 140, 164; 715 NW2d 778 (2006).