

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CLEVELAND DUCRE,

Defendant-Appellant.

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UNPUBLISHED

September 24, 1996

No. 183086

LC No. 93-007759-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.\*

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to possession with intent to deliver less than fifty grams of a controlled substance, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to four to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The record does not support defendant's claim of being denied the effective assistance of counsel. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994); *People v Barclay*, 208 Mich App 670; 528 NW2d 842 (1995). The court relied on evidence in the record to score the sentencing guidelines. *People v Hernandez*, 443 Mich 1; 503 NW2d 629 (1993). Other arguments relating to the presentence investigation report are waived. *People v Walker*, 428 Mich 261; 407 NW2d 367 (1987). The court considered established factors and sufficiently articulated its reasoning in fashioning a proportionate sentence for defendant. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Broden*, 428 Mich 343; 408 NW2d 789 (1987).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

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\*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

/s/ Joseph B. Sullivan