

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DIARRA DAMANI DRUMMOND,

Defendant-Appellant.

UNPUBLISHED

September 24, 1996

No. 184299

LC No. 95-000145-FH

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

MEMORANDUM.

Defendant pleaded guilty to delivery of less than fifty grams cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to seven to twenty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant failed to preserve his challenge to the scoring of the sentencing guidelines because he did not object at sentencing, did not move for resentencing and did not file a timely motion for remand with this Court. MCR 6.429(C); MCR 7.211(C)(1); *People v Hernandez*, 443 Mich 1; 503 NW2d 629 (1993). In any event, uncontroverted evidence in the presentence investigation report supported the trial court's scoring decisions. *People v Randolph Warner*, 190 Mich App 26; 475 NW2d 397 (1991).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant has failed to rebut the presumption that a sentence within the recommended guidelines' range is proportionate. *People v Broden*, 428 Mich 343; 408 NW2d 789 (1987); *People v Piotrowski*, 211 Mich App 527; 536 NW2d 293 (1995).

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

Defendant failed to preserve for appellate review his claim of ineffective assistance of counsel. *People v Armendarez*, 188 Mich App 61; 468 NW2d 893 (1991). In any event, the record does not demonstrate that counsel's performance fell below an objective standard of reasonableness or that defendant was prejudiced by counsel's representation. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan