

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HOLLIS RAMON RAWLS,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 186201

LC No. 93-048766-FC

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

MEMORANDUM.

Defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, and was sentenced to eight to fifteen years' imprisonment. He appeals as of right. We affirm as modified. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant's sentence is within the recommended range of the sentencing guidelines and does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990); *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987); *People v Dukes*, 189 Mich App 262, 266; 471 NW2d 651 (1991). Defendant has not presented us with any unusual circumstances to rebut the presumptive proportionality of the sentence. *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992). However, we agree with defendant that he was entitled to 731 days credit for time served, not 704 days credit. MCL 769.11b; MSA 28.1083(2). On return of the lower court file, the trial court is instructed to correct the judgment of sentence to reflect that defendant is entitled to 731 days' credit for time served. MCR 7.216(A).

Affirmed as modified.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

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

/s/ Joseph B. Sullivan