

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MATTHEW DALE BAUMAN,

Defendant-Appellant.

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UNPUBLISHED

October 1, 1996

No. 188048

LC No. 95-001030-FC

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

MEMORANDUM.

Defendant pleaded nolo contendere to assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), and habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to five to twenty year's imprisonment for the assault and habitual offender convictions, plus two years' consecutive imprisonment for the felony-firearm conviction. These sentences are to be served consecutive to a sentence defendant was already serving. Defendant 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 any of his issues for appellate review because he did not file a motion to remand in the trial court, did not move for a new trial, and did not file a timely motion for remand in this Court. MCR 6.311(C); MCR 7.208(B); MCR 7.211(C)(1); *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973); *People v Kaczorowski*, 190 Mich App 165; 475 NW2d 861 (1991). In any event, defendant's issues are without merit.

There was a sufficient factual basis for defendant's plea to assault with intent to do great bodily harm with the testimony that the victim saw defendant shoot at him and that the victim was hit by a shot. *People v Harrington*, 194 Mich App 424; 487 NW2d 479 (1992). The record does not support defendant's contention that he was denied the effective assistance of counsel. *People v Armendarez*,

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

188 Mich App 61; 468 NW2d 893 (1991). This is especially so where defendant twice told the trial court that he was satisfied with trial counsel's work on his behalf. Finally, the trial court did not err in failing to inform defendant that his current sentence would run consecutively to the one he was already serving. *People v Johnson*, 413 Mich 487; 320 NW2d 876 (1982); *Guilty Plea Cases*, 395 Mich 96; 235 NW2d 132 (1975); *People v Brooks*, 135 Mich App 193; 353 NW2d 118 (1984).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan