

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID JAMES MURRAY,

Defendant-Appellant.

UNPUBLISHED

January 17, 1997

No. 183605

Oakland County

LC No. 95-136858 FC

Before: Markman, P.J., and O’Connell and D. J. Kelly,* JJ.

MEMORANDUM.

Defendant pleaded guilty to one count of armed robbery, MCL 750.529; MSA 28.797, and was sentenced to a term of imprisonment of three to twenty years. He now appeals as of right, challenging the scoring of a particular offense variable (OV). We affirm.

Defendant contends that inadequate evidence supported the sentencing court’s decision to score OV 9, *Offender’s Role*, to reflect that defendant had been the leader in a multiple offender situation. As a consequence of this scoring decision, the guidelines recommended minimum sentence range increased from twelve to forty-eight months to eighteen to sixty months.

We find no error. Review of scoring decisions is very limited. As set forth in *People v Elliott*, 215 Mich App 259, 260; 544 NW2d 748 (1996) (emphasis supplied), “[s]coring decisions for which there is *any* evidence in support will be upheld” on appeal. Here, the presentence investigation report indicates that defendant was the first to enter the Taco Bell restaurant he and two others subsequently robbed, that he ordered an employee to open a back door to allow his two associates to enter the restaurant, and that he was the only one of the three to be wielding an instrument designed to look like a firearm. Thus, because this evidence supports the court’s scoring of OV 9, and because defendant has indicated no valid reason why this evidence should be ignored, we find that evidence supports the court’s scoring.

Affirmed.

* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ Stephen J. Markman
/s/ Peter D. O'Connell
/s/ Daniel J. Kelly