

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GERALD CRAWFORD,

Defendant-Appellant.

UNPUBLISHED
February 25, 1997

No. 194714
Kalamazoo Circuit Court
LC No. 95-000259-FH

Before: Sawyer, P.J., and Neff and A.L. Garbrecht,* JJ.

PER CURIAM.

Defendant pled nolo contendere to two counts of delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and to being a habitual offender (second offense), MCL 769.10; MSA 28.1082. He was sentenced to consecutive terms of 2-1/2 to 30 years in prison. He now appeals and we affirm.

Defendant first argues that the trial court erred in accepting information of “dubious accuracy” in the scoring of the sentencing guidelines. However, as defendant concedes, the Rules of Evidence do not apply to sentencing proceedings. MRE 1101(b)(3). Furthermore, defendant’s right to confront the witnesses against him was not violated merely because some hearsay statements were presented at sentencing. Rather, defendant was able to fully cross-examine those witnesses that were presented and to call his own witness at the sentencing hearing. He also had the opportunity to argue to the trial court to discount the hearsay statements. Ultimately, this Court will uphold the scoring of the sentencing guidelines if any evidence is presented to support it. *People v Warner*, 190 Mich App 26; 475 NW2d 397 (1991). There was certainly sufficient evidence to support the trial court’s scoring of the guidelines. Accordingly, defendant’s argument is without merit.

Next, defendant argues that there was insufficient evidence to support his guilty plea to two counts of delivery where he delivered drugs to two separate individuals as part of the same transaction. However, defendant has waived review of this issue by his unconditional nolo contendere plea. *People v New*, 427 Mich 482; 398 NW2d 358 (1986).

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

Finally, defendant argues that he was entrapped into the second offense because the separate deliveries were manufactured by the police to allow for two convictions resulting in consecutive sentences. However, this issue was also waived by defendant's plea. *People v Crall*, 444 Mich 463; 510 NW2d 182 (1993).

Affirmed.

/s/ David H. Sawyer

/s/ Janet T. Neff

/s/ Allen L. Garbrecht