

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH LASHON VAUGHAN, a/k/a JOSEPH
LASHON VAUGHN,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 182282
Recorder's Court
LC No. 93-013872

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded guilty to assault with intent to do great bodily harm, MCL 750.89; MSA 28.284, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). For those respective convictions, he was sentenced to two to ten years' imprisonment and two years' consecutive 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 first argues that the sentencing information report was incorrectly scored. We agree that Offense Variables 2 (physical attack or injury) and 13 (psychological injury to the victim) were improperly scored. However, because defendant's minimum sentence would still be within the recommended guidelines' range even as re-scored, a remand is unwarranted. *People v Ratkov (On Remand)*, 201 Mich App 123, 127; 505 NW2d 886 (1993).

Defendant next argues that his plea was involuntary because he misunderstood the sentencing agreement. We disagree. Having reviewed the record, we find no factual support for defendant's claim

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

and conclude that no miscarriage of justice will result from refusing to allow him to withdraw his plea.
People v Eloby (After Remand), 215 Mich App 472, 474-475; 547 NW2d 48 (1996).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar