

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY JEROME SUMRELL,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 185481
Kent Circuit
LC No. 93-064228-FH

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

MEMORANDUM.

Pursuant to an agreement, defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, 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 ten to twenty-five 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).

The trial court did not abuse its discretion in denying defendant's motion to withdraw his plea on the felony-firearm charge. *People v Effinger*, 212 Mich App 67, 69; 536 NW2d 809 (1995). There was a sufficient factual basis to support the conviction of that charge. *In re Guilty Plea Cases*, 395 Mich 96, 130; 235 NW2d 132 (1975); *People v Thompson*, 189 Mich App 85, 86; 472 NW2d 11 (1991).

Nor did the trial court abuse its discretion in ruling that the testimony taken at the in camera proceedings would not be disclosed to defendant. *People v Davis*, 199 Mich App 502, 516; 503 NW2d 457 (1993); *People v Underwood*, 447 Mich 695, 706-707; 526 NW2d 903 (1994).

*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.

Because the record reveals that the court-ordered changes to the presentence investigation report have been made, we decline defendant's request to hold the probation officer in contempt of court for allegedly failing to make the changes.

Finally, defendant's sentence for the armed robbery conviction is proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar