

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TIMOTHY THAD ROSCO,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 191219
Kent Circuit Court
LC No. 94-001808-FH

Before: Fitzgerald, P.J., and Griffin and M.R. Knoblock,* JJ.

MEMORANDUM.

Defendant pleaded guilty to knowingly and willfully resisting a police officer in the discharge of his duties, MCL 750.479; MSA 28.747, and was sentenced to sixteen to twenty-four months' imprisonment. He appeals of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant first contends that the trial court abused its discretion by denying his request to withdraw his guilty plea prior to sentencing. We dsagree. Defendant has failed to establish that withdrawal of his plea would serve "the interest of justice," as required by MCR 6.310(B). *People v Spencer*, 192 Mich App 146, 150-151; 480 NW2d 308 (1991).

Defendant's challenge to the scoring of Offense Variables 1 and 2 is unconvincing. Because evidence exists which supports the trial court's scoring of these variables, we uphold the scoring decisions. *People v Hernandez*, 443 Mich 1, 16; 503 NW2d 629 (1993).

Finally, defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

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

/s/ E. Thomas Fitzgerald
/s/ Richard Allen Griffin
/s/ M. Richard Knoblock