

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANA ALAN MILLER,

Defendant-Appellant.

UNPUBLISHED

March 25, 1997

No. 190071

Benzie Circuit Court

LC No. 95-001445-FH

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to gross indecency between a male and a female, MCL 750.338b; MSA 28.570(2), and was sentenced to forty to sixty months' imprisonment and fined \$500. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's prison sentence and fine are supported by the law. MCL 769.5; MSA 28.1077; *People v Krum*, 374 Mich 356; 132 NW2d 69 (1965) Defendant's remaining issue is raised for the first time on appeal and is therefore waived. *In re Forfeiture of \$19,250*, 209 Mich App 20, 32; 530 NW2d 759 (1995).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

*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.

/s/ Walter P. Cynar