

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARVIN LEE WILLIAMS, a/k/a WALTER  
EMMITT ANDREWS,

Defendant-Appellant.

---

UNPUBLISHED

April 4, 1997

No. 190989

Recorder's Court

LC Nos. 95-000387 FH;

95-000484 FC

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

MEMORANDUM.

Defendant pleaded guilty to second-degree murder, MCL 750.317; MSA 28.549, carrying a concealed weapon, MCL 750.227; MSA 28.424, 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 fifteen to thirty years' imprisonment, one to 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).

Defendant argues that the trial court abused its discretion in scoring the corrected sentencing information report and, therefore, resentencing is required. We disagree. There was adequate evidence on the record to support the court's score of Offense Variable 9. *People v Hernandez*, 443 Mich 1, 16; 503 NW2d 629 (1993). Although we agree that OV 13 was misscored because there was no evidence on the record that the victim's family needed professional psychological treatment, defendant's fifteen-year minimum sentence would still be within the recommended guidelines' range even if the

---

\*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.

sentencing information report was again rescored. Defendant is therefore not entitled to any relief. *People v Ratkov (On Remand)*, 201 Mich App 123, 127; 505 NW2d 886 (1993).

Next, because defendant agreed to be sentenced within the guidelines as part of the plea agreement, his proportionality argument has been waived. *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar