

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANNETTE GRIMES,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 191593

Macomb Circuit Court

LC No. 94-001019-FC

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

MEMORANDUM.

Defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, and was sentenced to eight to forty years' imprisonment. She appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant has waived any objection to the trial court's scoring of Offense Variable 2 by not objecting below or moving for remand in this Court. *People v Eaves*, 203 Mich App 356, 358; 512 NW2d 1 (1994). Moreover, defendant conceded below that Offense Variable 2 was properly scored.

Defendant has also waived appellate review of alleged inaccuracies in the presentence investigation report. Defendant failed to properly object below or point out any factual inaccuracies contained in the report. *People v Sharp*, 192 Mich App 501, 504-505; 481 NW2d 773 (1992); *People v Greene*, 116 Mich App 205, 210; 323 NW2d 337 (1982), rev'd on other grounds 414 Mich 896 (1982). Additionally, defendant did not request that the trial court conduct an evidentiary hearing regarding the accuracy of the report. *People v Lawrence*, 206 Mich App 378, 380; 522 NW2d 654 (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.

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). Although the trial court imposed the same sentence upon resentencing defendant, the court provided valid reasons for its sentencing decision. With the increase in the sentencing guidelines' range, defendant's sentence is below that range. The trial court credited defendant with the progress she made while incarcerated, but due to the seriousness of this offense and defendant's extensive prior record, further deviation below the guidelines was not warranted. The trial court also correctly distinguished defendant's role in this offense and her background from her codefendants' circumstances when tailoring its sentencing decision to this defendant. *In re Dana Jenkins*, 438 Mich 364, 376; 475 NW2d 279 (1991).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar