

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RODNEY RAY SIERZ,

Defendant-Appellant.

UNPUBLISHED

May 30, 1997

No. 185838

Kent Circuit Court

LC Nos. 94-001751-FH;

94-001752-FH

Before: Young, P.J., and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant tendered a conditional plea of guilty to two counts of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to consecutive terms of five to twenty years' imprisonment, and now appeals as of right. We affirm.

The trial court did not abuse its discretion or deny defendant his constitutional right to fundamental fairness in denying defendant's motion for production of the informant. See *People v Underwood*, 447 Mich 695, 703-707; 526 NW2d 903 (1994); *People v Loyer*, 169 Mich App 105, 113; 425 NW2d 714 (1988).

Nor did the trial court commit an error of law in determining that defendant had not presented sufficient evidence to support his defense of entrapment. See *People v Juillet*, 439 Mich 34; 475 NW2d 786 (1991); *People v Fabiano*, 192 Mich App 523; 482 NW2d 467 (1992).

Defendant's request for a remand to allow the trial court to reconsider the sentencing agreement is moot in light of this Court's April 22, 1996, order granting defendant's motion to remand. See *People v Greenberg*, 176 Mich App 296, 302; 439 NW2d 336 (1989).

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh