

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN LAMONT WESTON,

Defendant-Appellant.

UNPUBLISHED

June 27, 1997

No. 185195

Saginaw Circuit Court

LC No. 94 009496 FC

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Defendant appeals by right his plea-bargained convictions of manslaughter and felony firearm, enhanced by virtue of his second offender status. The issues raised address only sentencing.

Habitual offender sentences are subject to appellate review only for abuse of sentencing discretion. *People v Hansford (After Remand)*, 454 Mich ___, ___ NW2d ___ (1997). The sentencing guidelines do not apply to habitual offenders and, therefore, the trial court was not only under no obligation to consider the guidelines when fashioning defendant's sentences, *People v Haacke*, 217 Mich App 434; 553 NW2d 15 (1996), but would have erred if it had taken the guidelines into account, *People v Edgett*, 220 Mich App 686; ___ NW2d ___ (1996). Additionally, appellate review of habitual offender sentences using the sentencing guidelines is inappropriate. *People v Gatewood*, 450 Mich 1025; 546 NW2d 252 (1996). Accordingly, any error that might have occurred in the scoring of the sentencing guidelines, being irrelevant, would constitute harmless error. *People v Strickland*, 181 Mich App 344; 448 NW2d 848 (1989), although in any event guideline scoring errors are essentially not cognizable as a basis for appellate relief in any case. *People v Mitchell*, 454 Mich 145; ___ NW2d ___ (1997).

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald