

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK ANDREW WHITE,

Defendant-Appellant.

UNPUBLISHED

July 25, 1997

No. 197662

Van Buren Circuit Court

LC No. 96-009906 FC

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to second-degree murder, MCL 750.317; MSA 28.549, and was sentenced to twenty-five to fifty years imprisonment. Defendant appeals as of right. We affirm.

Defendant has failed to overcome the presumption that a sentence within the guidelines is proportionate to the offense and the offender, especially in light of the gruesome nature of the offense. *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994). Appellate relief is unavailable for defendant's alleged scoring error. *People v Mitchell*, 454 Mich 145, 175-177; 560 NW2d 600 (1997).

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn

* Circuit judge, sitting on the Court of Appeals by assignment.