

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES A. BRENT,

Defendant-Appellant.

UNPUBLISHED

December 19, 1997

No. 195875

Recorder's Court

LC No. 95-012563

Before: McDonald, P.J., and Wahls and J. R. Weber*, JJ.

MEMORANDUM.

Defendant was convicted by bench trial of manslaughter, MCL 750.321; MSA 28.553 and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.548, and was sentenced to nine to fifteen years' imprisonment on the manslaughter conviction and two years' imprisonment for felony firearm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The sole issue raised on appeal by defendant is a claim that, in scoring the SIR for manslaughter, the trial court erred in awarding 25 points under offense variable 3. Not only is this issue unpreserved, inasmuch as, at sentencing, defense counsel expressly acknowledged that the sentence guidelines were correctly calculated, but this is not one of those rare cases in which a sentence guideline scoring issue is cognizable on appeal as a basis for appellate relief. *People v Mitchell*, 454 Mich 145, 177; ___ NW2d ___ (1997).

Affirmed.

/s/ Gary R. McDonald

/s/ Myron H. Wahls

/s/ John R. Weber

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