

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALMIRA DOCKERY,

Defendant-Appellant.

UNPUBLISHED

February 17, 1998

No. 196807

Recorder's Court

LC No. 95-013641

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of involuntary manslaughter, MCL 750.321; MSA 28.553. Confusion exists in the record with regard to whether defendant was sentenced to 46 to 180 months' imprisonment or to 48 to 180 months' imprisonment. Defendant appeals as of right. We remand.

At the time the trial court imposed sentence, the record indicates that the court informed defendant that she would be required to serve a 46-to-180-month sentence. The judgment of sentence subsequently entered, however, indicates that defendant must serve a 48-to-180-month sentence. Defendant argues that she is entitled to have the judgment of sentence corrected to reflect the sentence imposed on the record. We remand this case to the trial court for a determination of which minimum sentence the trial court intended to impose and for a correction of the judgment of sentence should the court conclude that it intended to impose a forty-six-month minimum sentence *People v Tyson (After Remand)*, 199 Mich App 62, 64; 501 NW2d 225 (1993).

We decline to address defendant's issue concerning the sentencing guidelines, in light of her failure to show that her sentence is disproportionate. *People v Mitchell*, 454 Mich 145, 177;

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

560 NW2d 600 (1997).

Remanded for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison