

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID ARTHUR WALKER,

Defendant-Appellant.

UNPUBLISHED

February 17, 1998

No. 198514

Recorder's Court

LC No. 95-004025

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

A Detroit Recorder's Court jury convicted defendant of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28,424(2). Defendant was sentenced to consecutive terms of two years' imprisonment for the felony-firearm conviction and to four to ten years' imprisonment for the assault conviction. Defendant appeals as of right. We affirm.

Defendant argues that his four-year minimum sentence violates the principle of proportionality. Defendant has failed to rebut the presumption of proportionality that attends a sentence falling within the sentencing guidelines recommended range. *People v Miles*, 454 Mich 90, 95; 559 NW2d 299 (1997); *People v Bailey (On Remand)*, 218 Mich App 645, 647; 554 NW2d 391 (1996).

Affirmed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski