

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GREGORY FARRIS,

Defendant-Appellant.

UNPUBLISHED

October 2, 2001

No. 222175

Wayne Circuit Court

LC No. 99-004083

Before: Owens, P.J., and Holbrook, Jr., and Talbot, JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial conviction of first-degree home invasion, MCL 750.110a(2), and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. Defendant was sentenced to seven to twenty years' imprisonment for the home invasion conviction, and a mandatory two years' imprisonment for the felony-firearm conviction. We affirm.

Defendant argues that his sentence for first-degree home invasion is invalid due to two alleged scoring errors. "Appellate review of guidelines calculations is limited, and a sentencing court has discretion in determining the number of points to be scored provided there is evidence on the record that adequately supports a particular score." *People v Dilling*, 222 Mich App 44, 54; 564 NW2d 56 (1997).

First, defendant asserts that the trial court improperly scored sentencing offense variable 7 (OV 7), aggravated physical abuse, because the evidence does not support the conclusion that he terrorized the victims. We disagree. Defendant kicked down the door of the victims' home at 3:00 a.m. and threatened bodily injury to any prospective male acquaintance of the homeowner. While the victim called the police, defendant entered the house and "racked" the action of his weapon to prepare it for firing in front of the victim and her children. We believe this evidence supports the scoring of OV 7. See *People v Kreger*, 214 Mich App 549; 543 NW2d 55 (1995).

Second, defendant argues that offense variable 10 (OV 10), exploitation of a vulnerable victim, was improperly scored. We need not address this issue because any error would not result in a lower sentence. *People v Ratkov*, 201 Mich App 123, 127; 505 NW2d 886 (1993). In any event, we see no error in the scoring of OV 10.

Affirmed.

/s/ Donald S. Owens

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Talbot