

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HAROLD D. JOHNSON,

Defendant-Appellant.

UNPUBLISHED

November 22, 2002

No. 233541

Kent Circuit Court

LC No. 00-005604-FC

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

MEMORANDUM.

Defendant appeals as of right his jury convictions for armed robbery, MCL 750.529, carjacking, MCL 750.529a, and carrying a concealed weapon, MCL 750.227. We affirm.

On appeal, defendant challenges the proportionality of his sentences. The crimes were committed after January 1, 1999, and the legislative sentencing guidelines apply. MCL 769.34(2). Defendant's sentences were within the applicable guidelines ranges.

MCL 769.34(10) provides:

If a minimum sentence is within the appropriate guidelines sentence range, the court of appeals shall affirm that sentence and shall not remand for resentencing, absent an error in scoring the sentencing guidelines or inaccurate information relied upon in determining the defendant's sentence.

The clear language of this subsection compels the conclusion that the Legislature intended to preclude appellate scrutiny of sentences falling within the guidelines absent scoring errors or reliance on inaccurate information. *People v Babcock*, 244 Mich App 64, 73; 624 NW2d 479 (2000).

The ultimate authority to provide for penalties is constitutionally vested in the Legislature. Const 1963, art, § 45. The authority to impose sentences and to administer the sentencing statutes lies with the judiciary. *People v Hegwood*, 465 Mich 432, 436-437; 636 NW2d 127 (2001). It is the responsibility of the circuit court to impose a sentence, but only within the limits set by the Legislature. *Id.* The court acted within its authority in sentencing defendant.

Affirmed.

/s/ Jane E. Markey
/s/ Henry William Saad
/s/ Michael R. Smolenski