

STATE OF MICHIGAN

COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD DOUGHTY,

Defendant-Appellant.

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UNPUBLISHED

September 10, 1999

No. 207958

Recorder's Court

LC No. 97-001664

Before: Gribbs, P.J., and Smolenski and Gage, JJ.

MEMORANDUM.

After a jury trial, defendant was convicted of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), and sentenced to a term of two to four years' imprisonment. He appeals as of right. We affirm.

Defendant contends that the trial court abused its discretion in sentencing him to a term of two to four years' imprisonment, a term that represents twice the minimum sentence recommended by the sentencing guidelines. By failing to submit a copy of the presentence report as required by MCR 7.212(C)(7), however, defendant has waived our review of this issue. *People v Oswald*, 208 Mich App 444, 446; 528 NW2d 782 (1995). Nonetheless, we have reviewed the record and find that the sentencing judge was aware of the guidelines' recommended range and decided to exceed that range on the basis of defendant's prior drug history and the existence of evidence clearly suggesting that when defendant engaged in the underlying crime he had an intent to deliver. Although the jury found defendant guilty of simple possession, the trial court could properly consider the evidence of defendant's intent to distribute the cocaine when fashioning an appropriate sentence. *People v Coulter (After Remand)*, 205 Mich App 453, 456-457; 517 NW2d 827 (1994). We conclude that the sentence is proportionate to the circumstances surrounding the offense and the offender, and that a remand for further trial court articulation of its reasons would be a waste of judicial resources. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990); *People v Kreger*, 214 Mich App 549, 555; 543 NW2d 55 (1995).

Affirmed.

/s/ Roman S. Gribbs

/s/ Michael R. Smolenski

/s/ Hilda R. Gage