

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,  
  
Plaintiff-Appellee,

UNPUBLISHED  
April 21, 2011

v

ANTONIO MAURICE WHITE,  
  
Defendant-Appellant.

No. 296048  
Kent Circuit Court  
LC No. 09-002303-FH

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Before: SHAPIRO, P.J., and FITZGERALD and BORRELLO, JJ.

MEMORANDUM.

Defendant claims an appeal from the sentence of 30 to 120 months in prison imposed on his bench trial conviction of felon in possession of a firearm, MCL 750.224f. For the reasons set forth in this memorandum, we affirm.

The sentencing guidelines, adjusted for defendant's status as a third habitual offender, MCL 769.11, recommended a minimum term range of ten to 34 months. The probation department recommended a term of probation with 365 days to be served in jail, and defendant requested that the trial court follow the recommendation of the probation department. The trial court sentenced defendant to 30 to 120 months in prison, with credit for 293 days served.

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. A party shall not raise on appeal an issue challenging the scoring of the sentencing guidelines or challenging the accuracy of information relied upon in determining a sentence that is within the appropriate guidelines sentence range unless the party has raised the issue at sentencing, in a proper motion for resentencing, or in a proper motion to remand filed in the court of appeals.

In *People v Kimble*, 470 Mich 305, 310-311; 684 NW2d 669 (2004), our Supreme Court indicated that “[i]f the sentence is within the appropriate guidelines sentence range, it is only appealable if there was a scoring error or inaccurate information was relied upon in determining the sentence and the issue was raised at sentencing, in a motion for resentencing, or in a motion

to remand.” Additionally, a party may not raise on appeal an issue challenging the scoring of the guidelines or the accuracy of information relied upon in determining a sentence that is within the appropriate guidelines range unless the party has raised the issue at sentencing, in a proper motion for resentencing, or in a proper motion to remand. MCL 769.34(10); *People v Babcock*, 469 Mich 247, 261; 666 NW2d 231 (2003).

It is undisputed that defendant’s minimum term is within the sentencing guidelines. Defendant has not challenged the scoring of the sentencing guidelines, and does not contend that the trial court relied on inaccurate information when imposing sentence. Under these circumstances, we must affirm defendant’s sentence. MCL 769.34(10), *Kimball*, 470 Mich at 310-311.

Affirmed.

/s/ Douglas B. Shapiro  
/s/ E. Thomas Fitzgerald  
/s/ Stephen L. Borrello