

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DORAILONTIE MARTEL STRAWTHER,

Defendant-Appellant.

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UNPUBLISHED  
February 26, 2009

No. 282936  
Wayne Circuit Court  
LC No. 05-007345-FC

Before: Whitbeck, P.J., and O'Connell and Owens, JJ.

MEMORANDUM.

Following a remand from the Michigan Supreme Court for resentencing, defendant Dorailontie Strawther appeals the sentences imposed on jury convictions for assault with intent to do great bodily harm less than murder,<sup>1</sup> felon in possession of a firearm,<sup>2</sup> felonious assault,<sup>3</sup> possession of a firearm during the commission of a felony,<sup>4</sup> and malicious destruction of property valued between \$200 and \$1,000.<sup>5</sup> We decide this appeal without oral argument pursuant to MCR 7.214(E), and we affirm.

Citing *Blakely v Washington*, Strawther's sole argument is that the trial court erred when it scored several offense variables based on facts not found by a jury.<sup>6</sup> The Michigan Supreme Court has held that *Blakely* does not apply to Michigan's indeterminate sentencing scheme.<sup>7</sup> Therefore, Strawther's argument lacks merit.

Affirmed.

/s/ William C. Whitbeck  
/s/ Peter D. O'Connell  
/s/ Donald S. Owens

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<sup>1</sup> MCL 750.84.

<sup>2</sup> MCL 750.224f.

<sup>3</sup> MCL 750.82.

<sup>4</sup> MCL 750.227b.

<sup>5</sup> MCL 750.377a(1)(c)(i).

<sup>6</sup> *Blakely v Washington*, 542 US 296; 124 S Ct 2531; 159 L Ed 2d 403 (2004).

<sup>7</sup> *People v McCuller*, 479 Mich 672, 683; 739 NW2d 563 (2007); *People v Harper*, 479 Mich 599, 615; 739 NW2d 523 (2007); *People v Drohan*, 475 Mich 140, 164; 715 NW2d 778 (2006).