

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TYRONE LEE DOBY,

Defendant-Appellant.

UNPUBLISHED
February 22, 2005

No. 251680
Genesee Circuit Court
LC No. 03-011297-FH

Before: Fort Hood, P.J. and Griffin and Donofrio, JJ.

MEMORANDUM.

On June 10, 2003, defendant pleaded guilty of delivering 225 or more but less than 650 grams of cocaine, contrary to former MCL 333.7401(2)(a)(ii). On July 23, 2003, he was sentenced to a term of 240 to 360 months' imprisonment as required by the statute in effect at the time of commission of the crime. He now appeals by leave granted. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

This Court granted defendant's application for leave to appeal to consider whether his sentence must be vacated because it exceeds the terms set forth in MCL 333.7401, as amended effective March 1, 2003. After leave was granted, this Court held in *People v Doxey*, 263 Mich App 115, 122; 687 NW2d 360 (2004), lv pending, that the amended statute applies "only to offenses committed on or after the effective date of the legislation, March 1, 2003." Defendant's offense was committed before the effective date of the legislation. Pursuant to *Doxey*, the amended provisions do not apply. Defendant offers no basis for distinguishing this case from *Doxey*. Pursuant to *Doxey*, the sentence was proper.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Richard Allen Griffin
/s/ Pat M. Donofrio