STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EDWARD DARNELL CRAWFORD,

Defendant-Appellant.

UNPUBLISHED
January 10, 1997

No. 185846
Wayne County
LC No. 93-12577-01

Before: Taylor, P. J., and Gribbs and R. D. Gotham,* JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of two counts of second-degree murder, MCL 750.317; MSA 28.549, assault with intent to commit murder, MCL 750.83; MSA 28.278, and felony-firearm, MCL 750.227b; MSA 28.424(2). Defendant was sentenced within the guidelines range to life imprisonment, and to terms of forty to sixty years, and ten to twenty years, and to a two-year consecutive sentence for felony-firearm. On appeal, defendant raises several issues concerning his sentence. We affirm.

There is no merit to defendant's claim that the trial court improperly punished defendant for behavior for which he was acquitted. There was evidence in the record that defendant intended to rob the drug site where the shootings occurred. Although the trial court concluded that the evidence was insufficient to support a conviction of armed robbery, it was properly considered as an aggravating factor at sentencing. *People v Shavers*, 448 Mich 389, 393; 531 NW2d 165 (1995).

There is no merit to defendant's claim that the trial court abused its discretion in sentencing him to life imprisonment for one count of murder, and to a term of forty to sixty years for the second murder conviction. Defendant argues that the sentences were improper because his chance of parole is "nil." We need not "engage in the hopelessly speculative exercise" concerning whether defendant will live long enough to be paroled. *People v Kelly*, 213 Mich App 8, 16; 539 NW2d 538 (1995). "Rather, all that is important is whether the penalty fits the offense and the offender." *Id.*

* Circuit judge, sitting on the Court of Appeals by assignment.

Finally, there is no merit to defendant's claim that his sentence is disproportionate.

/s/ Clifford W. Taylor
/s/ Roman S. Gribbs
/s/ Roy D. Gotham