

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENYATTA DION MAYS,

Defendant-Appellant.

UNPUBLISHED

April 1, 1997

No. 186461

Genesee Circuit Court

LC No. 94-051057-FC

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant, a juvenile, pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, and was sentenced as an adult to eight to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court's factual findings on the factors enumerated in MCL 769.1(3); MSA 28.1072(3) were not clearly erroneous. MCR 2.613(C). The findings were supported by the evidence. Moreover, the ultimate decision to sentence defendant as an adult was not an abuse of the trial court's discretion. *People v Launsbury*, 217 Mich App 358; 551 NW2d 460 (1996). Finally, defendant's sentence is proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Lyons (On Remand)*, 203 Mich App 465, 469-470; 513 NW2d 170 (1994).

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar