

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALE WILLIAM MORRIS, JR.,

Defendant-Appellant.

UNPUBLISHED

April 1, 1997

No. 189818

Kent Circuit Court

LC No. 94-003237-FC

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

MEMORANDUM.

Defendant pleaded guilty to kidnapping, MCL 750.110; MSA 25.305, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). For those respective convictions, he was sentenced to ten to twenty years' imprisonment and two years' consecutive imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not abuse its discretion in assessing twenty-five points under Offense Variable 2 for either bodily injury or terrorism suffered by the victim and did not base the scoring on inaccurate information. Evidence of bruising on the victim's wrists constitutes "bodily injury" which would support the score. *People v Hernandez*, 443 Mich 1, 16; 503 NW2d 629 (1993). Further, evidence of defendant's actions supports the court's determination that the victim was subjected to terrorism by defendant. *Id.*; *People v Kreger*, 214 Mich App 549, 552; 543 NW2d 55 (1995); *People v Johnson*, 202 Mich App 281, 289; 508 NW2d 509 (1993).

Considering the seriousness of the circumstances attendant to this case and the fact that the sentence imposed was within the mid-range of the guidelines, the trial court did not abuse its discretion

*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.

in sentencing defendant to a term of ten to twenty-years' imprisonment for the kidnapping offense. *People v Milbourn*, 435 Mich 630, 661; 461 NW2d 1 (1990). The sentencing guidelines already account for the fact that defendant had no prior criminal record, and defendant has failed to present any unusual circumstances to overcome the presumption of proportionality in this case. *Id.*; *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987); *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar