

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANDERSON JACKSON, JR.,

Defendant-Appellant.

UNPUBLISHED

April 11, 1997

No. 188087

Macomb Circuit Court

LC No. 95-000945-FH

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

MEMORANDUM.

Defendant pleaded guilty to first-degree retail fraud, MCL 750.356c; MSA 28.588(3), aggravated assault, MCL 750.81a; MSA 28.276(1), assault and battery, MCL 750.81; MSA 28.276, and habitual offender, third offense, MCL 769.11; MSA 28.1083. The initial sentences imposed on the retail fraud, aggravated assault, and assault and battery convictions were all vacated, and defendant was sentenced to a single enhanced term of two to four years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant argues that the trial court failed to individualize his sentence. We disagree. In sentencing defendant, the court noted his drug problem and history, the fact that people were injured during the incident and the need to protect society and punish defendant. Accordingly, the court individualized defendant's sentence. *People v Coles*, 417 Mich 523, 537; 339 NW2d 440 (1983), overruled in part on other grounds *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Defendant also argues that the court failed to consider various factors in imposing sentence. We disagree. The fact that the court did not mention all of the various sentencing factors does not mean that

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

it did not consider them and does not destroy the propriety of the sentence. *People v Johnson*, 173 Mich App 706, 709; 434 NW2d 218 (1988).

Finally, defendant contends that his sentence is disproportionate. We again disagree because store employees were wounded during the incident, several charges were dismissed in exchange for his plea, and his extensive criminal history shows his failure to rehabilitate himself despite having numerous opportunities to do so. We reject defendant's suggestion that his drug problem should be considered a mitigating factor. Defendant's sentence is proportionate to the seriousness of the circumstances surrounding the offenses and the offender. *Milbourn, supra*.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar