

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTONIE WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

July 29, 1997

No. 193174

Recorder's Court

LC No. 94-011264

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Defendant appeals of right from his jury conviction for second degree murder and felony firearm, and resulting consecutive sentences of 25 to 70 and 2 years imprisonment.

At sentencing, defense counsel was allowed to address the court at length, and to his own satisfaction. Defense counsel "held the floor" until he expressly stated for the record that he had nothing further to say. Accordingly, the claim that defense counsel was denied the right of allocution is without merit, as defense counsel had in full measure the reasonable opportunity to apprise the court of circumstances deemed relevant to sentencing. MCR 6.425(D)(2)(c).

Defendant's 25 to 70 year sentence for second degree murder is not disproportionate to the offense or the offender. Defendant has failed to overcome the presumption that a sentence within the guideline range is proportionate, *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994), a presumption which applies equally when the sentence is, as here, at the maximum end of the guideline range. *People v Vettese*, 195 Mich App 235; 497 NW2d 188 (1992).

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn

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

