

+ STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER PAUL BLEVINS,

Defendant-Appellant.

UNPUBLISHED

February 17, 1998

No. 198487

Genesee Circuit Court

LC No. 91-044909 FC

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

Following his 1992 jury trial convictions for armed robbery, MCL 750.529; MSA 28.797, and felony-firearm, MCL 750.227b; MSA 28.424(2), defendant was sentenced to fifty to ninety years' imprisonment for the robbery conviction plus two years' imprisonment for the felony-firearm charge. On prior appeal of right, Docket No. 148716, his convictions were affirmed but the cause was remanded for resentencing. The Supreme Court denied further review at that time.

On remand, defendant was resentenced to thirty to fifty years' imprisonment for the armed robbery plus two years for the felony-firearm charge. On this appeal of right, he contends that his sentence, which exceeds the guideline range of five to fifteen years, is disproportionate to the offense and the offender.

In exceeding the guideline range, the trial court noted that the manner in which defendant committed the offense not only excessively terrorized the very young victim but also involved wholly unnecessary physical brutality. Furthermore, defendant had much previous contact with the criminal justice system and had been unsuccessful in serving probationary sentences. While incarcerated between the first and second sentencing proceedings, defendant acquired three major misconduct adjudications under Department of Corrections' procedures. Defendant dropped out of high school in the ninth grade, never held steady employment, showed no sympathy for the victim, and, in the opinion of the trial judge and the jury, lied under oath when he testified at trial. Neither the trial court's decision to impose a sentence in excess of the guideline range nor the magnitude of the departure sentence

represents an abuse of the trial court's sentencing discretion on this record. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995).

Affirmed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski