

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SIDNEY EUGENE CHANDLER, III.,

Defendant-Appellant.

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UNPUBLISHED

February 17, 1998

No. 199550

Muskegon Circuit Court

LC No. 94-036832 FC

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison\*, JJ.

MEMORANDUM.

On prior appeal of right, Docket No. 178600, defendant's jury convictions of second-degree murder, MCL 750.317; MSA 28.549, assault with intent to commit murder, MCL 750.83; MSA 28.278, and of two counts of felony-firearm, MCL 750.227b; MSA 28.424(2), were affirmed, but the matter was remanded for resentencing. On remand, defendant received 15 to 45 years', in comparison with the original life sentences, on each of the capital counts, and the statutorily mandated two years for the felony-firearm charges. On this appeal of right, defendant contends that the sentences imposed are disproportionate to the offenses and the offender and that the trial judge failed to properly individualize the sentence. We affirm.

A review of the trial court's remarks at sentencing indicates that the trial court was fully aware of defendant's generally favorable institutional adjustment since the original sentencing, and that it additionally took into account defendant's criminal record and the circumstances of this offense. The sentence was therefore properly individualized, and inasmuch as the sentence imposed is actually toward the lower end of the guideline range of 10 to 25 years on the minimum, defendant has failed to overcome the presumption that such a sentence is proportionate to the offense and the offender. *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994).

Affirmed.

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

/s/ Michael J. Kelly  
/s/ E. Thomas Fitzgerald  
/s/ Michael G. Harrison