

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VERN VAN PETERSON,

Defendant-Appellant.

UNPUBLISHED

April 21, 1998

No. 196201

Eaton Circuit Court

LC No. 95-000255 FH

Before: Neff, P.J., and White and D. A. Teeple*, JJ.

MEMORANDUM.

Following his jury conviction on one count each of forgery, MCL 750.248; MSA 28.445 and uttering and publishing, MCL 750.249; MSA 28.446, and two counts of false pretenses over \$100, MCL 750.218; MSA 28.415, defendant was sentenced to six to fourteen years on the forgery and uttering and publishing convictions and five to ten years on each of the fraud counts, all sentences to be served concurrently. On this appeal of right, he contends that the sentences imposed, which significantly exceed the minimum guideline range of zero to twelve months, are disproportionate to the offenses and the offender.

In exceeding the guideline sentencing ranges, the trial judge noted defendant's total lack of remorse, his abuse of a trust relationship with an elderly and infirm victim, and the lengthy and studied nature of defendant's fraudulent activities, which involved fraud being perpetrated on the probate court, five lawyers, and a substantial number of laypersons. The trial court commented, with justification, that the sentencing guidelines committee, in formulating the guidelines for these offenses, had not contemplated such egregious conduct. We agree that the circuit court properly identified this case as involving facts so far outside the norm of similar criminal conduct that the sentencing guidelines simply provide no useful insight regarding how trial judges have dealt with similar conduct. *People v Merriweather*, 447 Mich 799, 807; 527 NW2d 460 (1994). We conclude that the sentences imposed, which are well below the maximum authorized, properly

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

reflect the seriousness of the matter and thus are proportionate to the offenses and the offender. *People v Houston*, 448 Mich 312, 320; 532 NW2d 508 (1995).

Affirmed.

/s/ Janet T. Neff

/s/ Helene N. White

/s/ Donald A. Teeple