

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES JACQUELIN EDWARDS, a/k/a
JACQUELIN EDWARDS,

Defendant-Appellant.

UNPUBLISHED

May 8, 1998

No. 200717

Kalamazoo Circuit Court

LC No. 95-001000 FC

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

MEMORANDUM.

Defendant pleaded nolo contendere to second-degree murder, MCL 750.317; MSA 28.549, and was sentenced to twenty-five to fifty years' imprisonment. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Although a trial court may not base a sentence even in part on a defendant's refusal to admit guilt, *People v Yennior*, 399 Mich 892; 282 NW2d 920 (1977), the court may consider the defendant's lack of remorse, particularly as the lack of remorsefulness bears upon the defendant's potential for rehabilitation, when fashioning an appropriate sentence. *People v Houston*, 448 Mich 312, 323; 532 NW2d 508 (1995); *People v Steele*, 173 Mich App 502, 506; 434 NW2d 175 (1988); *People v Drayton*, 168 Mich App 174, 178-179; 423 NW2d 606 (1988). We have reviewed the record and we find that the trial court did not rely on defendant's failure to admit guilt to support the sentence imposed, but instead, did legitimately consider defendant's lack of remorse, and its impact on defendant's rehabilitative potential, when determining the appropriate sentence to impose.

Affirmed.

/s/ Janet T. Neff

/s/ Helene N. White

/s/ Donald A. Teeple

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

