

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARDELL D. SMITH,

Defendant-Appellant.

UNPUBLISHED

May 19, 1998

No. 198582

Detroit Recorder's Court

LC No. 96-004257

Before: Sawyer, P.J., and Kelly and Smolenski, JJ.

MEMORANDUM.

Defendant was convicted by the trial court of discharge of a firearm intentionally aimed but without malice, MCL 750.234; MSA 28.431. Defendant was sentenced to one year in the county jail. Defendant appeals as of right. We affirm.

The trial court's findings of fact were sufficient because it is apparent from the record that the court was aware of the issues and correctly applied the law. *People v Legg*, 197 Mich App 131, 134; 494 NW2d 797 (1992). Likewise, the trial court's findings of fact are not clearly erroneous. *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991). Finally, defendant's one-year sentence in the county jail reflects the seriousness of this matter. Accordingly, defendant's sentence is proportional. *People v Lemmons*, 454 Mich 234, 260; 562 NW2d 447 (1997).

Affirmed.

/s/ David H. Sawyer

/s/ Michael J. Kelly

/s/ Michael R. Smolenski