

STATE OF MICHIGAN
COURT OF APPEALS

In re MAURICE SCALES.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MAURICE SCALES,

Defendant-Appellant.

UNPUBLISHED

July 27, 1999

No. 206786

Wayne Probate Court

Juvenile Division

LC No. 94-318597

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals as of right from the decision committing him to the custody of the Family Independence Agency (FIA) following his plea-based conviction of possession of less than fifty grams of cocaine, MCL 333.7403(2)(a)(iv); MSA 14.15(7403)(2)(a)(iv). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant (DOB 9-19-80) was charged as a juvenile with possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). At a pretrial hearing before a referee, defendant agreed to plead guilty to the lesser charge of possession. In doing so, defendant admitted that he had begun dealing in crack cocaine, and that he had used marijuana. The parties agreed to proceed to disposition immediately. The court committed defendant to the custody of the FIA. The court stated that it based its decision on defendant's lack of remorse and his lack of understanding of the consequences of his actions.

The right to review of sentencing decisions applies to juvenile court proceedings. *In re Chapel*, 134 Mich App 308, 314; 350 NW2d 871 (1984).

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

Defendant argues that the court abused its discretion by committing him to the FIA because the decision was based on the court's adverse reaction to his perceived disrespect. We disagree and affirm. Defendant pleaded guilty to possession of cocaine. By his own admission, defendant had begun to deal in cocaine when he was arrested. Defendant's prior record included a conviction for retail fraud. His contacts with the juvenile justice system had escalated in their seriousness. The court's stated reasons for committing defendant to the FIA were defendant's prior record, the seriousness of the instant offense, defendant's complete lack of remorse, and his lack of appreciation of the consequences of his actions, demonstrated in part by his behavior in the courtroom. The court's decision to commit defendant to the FIA did not constitute an abuse of discretion. *Chapel, supra*.

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette