

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARZENE CURLEY,

Defendant-Appellant.

UNPUBLISHED

July 30, 1999

No. 208797

Wayne Circuit Court

Criminal Division

LC No. 97-002157

Before: Gribbs, P.J., and Smolenski and Gage, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of involuntary manslaughter, MCL 750.321; MSA 28.553 and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to seven to fifteen years' imprisonment for the manslaughter conviction and a consecutive two-year term for the felony-firearm conviction. He now appeals his manslaughter sentence as of right. We affirm.

Defendant contends that the trial court abused its discretion by imposing a disproportionate sentence in the present case when defendant, a juvenile, had never been sentenced to a term of imprisonment. We disagree. The principle of proportionality requires sentences imposed by the trial court to be proportionate to the seriousness of the circumstances surrounding the offense and offender. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). Defendant's manslaughter sentence is presumptively proportionate because it is within the range recommended by the sentencing guidelines. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987); *People v Dukes*, 189 Mich App 262, 266; 471 NW2d 651 (1991). Defendant has not presented mitigating circumstances sufficient to override the presumptive proportionality of his sentence. *Dukes*, *supra* at 266. Because defendant's sentence does not

violate the principle of proportionality, we conclude that the trial court did not abuse its discretion.

Affirmed.

/s/ Roman S. Gibbs

/s/ Michael R. Smolenski

/s/ Hilda R. Gage