

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN J. ADKINS,

Defendant-Appellant.

UNPUBLISHED

September 10, 1999

No. 209518

Wayne Circuit Court-
Criminal Division

LC No. 97-003230

Before: Markman, P.J., and Saad and P.D. Houk,* JJ.

MEMORANDUM.

The court convicted defendant of second-degree murder, MCL 750.317; MSA 28.549, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), for which he was sentenced to fifty to one-hundred years' imprisonment for the murder conviction, plus a five-year consecutive term for the repeat felony-firearm offense. Defendant appeals by right, challenging the proportionality of his murder sentence. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Contrary to defendant's argument, the trial court adequately articulated valid reasons for finding the sentencing guidelines recommendation inadequate guidance for setting an appropriate sentence for this case. In addition to noting the particularly egregious circumstances surrounding the offense, including the fact that the victim testified against defendant in an earlier case involving a shooting at the victim's house and defendant's prior criminal and gang background, the trial court emphasized defendant's lack of remorse and "amoral" attitude toward his criminal behavior, as expressed by defendant from the witness stand at trial. Such considerations provide a legitimate basis for departing from the guidelines. See *People v Houston*, 448 Mich 312, 323; 532 NW2d 508 (1995); *People v Castillo*, 230 Mich App 442, 447-448; 584 NW2d 606 (1998). The sentence imposed by the trial court is not disproportionate, but instead, appropriately reflects the seriousness of the matter. *Houston*, *supra* at 319.

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

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk