

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KIMBERLY MARIE BRYANT,

Defendant-Appellant.

UNPUBLISHED
October 19, 1999

No. 206211
Muskegon Circuit Court
LC No. 96-139441 FC

Before: Hood, P.J., and Holbrook, Jr., and Fitzgerald, JJ.

MEMORANDUM.

Defendant was convicted, following a plea of guilty but mentally ill, of assault with intent to commit murder, MCL 750.83; MSA 28.278, arson of a dwelling house, MCL 750.72; MSA 28.267, and first-degree child abuse, MCL 750.136b(2); MSA 28.331(2)(2). She was sentenced to twenty-two to sixty years' imprisonment for the assault with intent to commit murder conviction and two terms of ten to twenty years' imprisonment for the arson and first-degree child abuse convictions. Defendant appeals, by delayed leave granted, the sentences imposed, and we affirm.

The trial court did not abuse its discretion in exceeding the sentencing guidelines' recommended minimum sentence range for reasons that were not adequately weighed or considered by the guidelines. *People v Castillo*, 230 Mich App 442, 448; 584 NW2d 606 (1998). The serious nature of the crimes, as well as the relationship between the victim and the offender, justified the departure from the guidelines. Defendant's sentences are proportionate to the seriousness of the circumstances surrounding the offenses and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990). Defendant's contention, that the trial court failed to cite and consider defendant's mental illness, is without merit. Defendant's plea, based on mental illness, does not entitle her to any special sentencing consideration, but does allow her to obtain treatment during her incarceration. MCL 768.36(3); MSA 28.1059(3).

Affirmed.

/s/ Harold Hood

/s/ Donald E. Holbrook, Jr.

/s/ E. Thomas Fitzgerald