

STATE OF MICHIGAN
COURT OF APPEALS

In re Ronald Eugene Wertman.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD EUGENE WERTMAN,

Defendant-Appellant.

UNPUBLISHED

January 4, 2000

No. 212228

Wayne Circuit Court

Juvenile Division

LC No. 94-314831

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right from the sentence imposed on his plea-based conviction of breaking and entering a motor vehicle with the intent to steal property having a value over \$5.00, MCL 750.356a; MSA 28.588(1). We affirm.

Defendant (DOB 8-27-82) pleaded guilty to one count of breaking and entering a motor vehicle with intent to steal property having a value over \$5.00 in return for dismissal of another charge. In a previous unrelated proceeding, defendant had pleaded guilty to one count of receiving or concealing stolen property having a value under \$100, MCL 750.535; MSA 28.803. The court informed defendant that if the plea was accepted the court could warn and dismiss, place him on probation, or commit him to the Family Independence Agency (FIA) for placement outside the home. Defendant indicated that he understood the three possible dispositions.

The court committed defendant to the FIA. The court noted that defendant had had numerous opportunities to improve his conduct, but that he had not taken advantage of them. The court reasoned that placement in a high security facility was not warranted, notwithstanding defendant's previous

conviction of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279. The court recommended that defendant be placed in a medium security facility.

A sentence imposed in a juvenile court proceeding is reviewed for an abuse of discretion. *In re Chapel*, 134 Mich App 308, 314; 350 NW2d 871 (1984).

Defendant argues that the court abused its discretion by committing him to the FIA for placement outside his home. We disagree and affirm. A court may commit a juvenile to the FIA for placement if such a disposition is “appropriate for the welfare of the juvenile and society” in light of proven facts. MCL 712A.18(1)(e); MSA 27.3178(598.18)(1)(e). Consideration of prior juvenile adjudications at sentencing is permissible as long as the information is accurate. *People v Cross*, 186 Mich App 216, 218; 463 NW2d 229 (1990). Here, defendant did not make a prima facie showing that his prior adjudications were obtained without benefit of counsel. *People v Carpentier*, 446 Mich 19, 31; 521 NW2d 195 (1994). The court properly considered defendant’s prior record of delinquency and his unsuccessful adjustment on probation. MCR 5.955(A)(3) and (4). No abuse of discretion occurred. *Chapel, supra*.

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage