

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CURTIS CHAVIS,

Defendant-Appellant.

UNPUBLISHED

April 21, 2000

No. 214967

Saginaw Circuit Court

LC No. 97-014911-FH

Before: Collins, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction after a jury trial of tampering with an absentee ballot, MCL 168.932(e); MSA 6.1932(e), two counts of possession of an absentee ballot, MCL 168.932(f); MSA 6.1932(f), and perjury, MCL 750.422; MSA 28.664. We affirm.

On appeal defendant argues that his sentences of fifteen months to five years on the absentee ballot counts, and thirty months to fifteen years on the perjury count are disproportionate where he had no prior convictions, and obtained no financial gain from his actions. We disagree.

Appellate courts review sentences for abuse of discretion. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). A trial court abuses its discretion when it imposes a sentence that is not proportional to the seriousness of the matter. *People v Houston*, 448 Mich 312, 319; 532 NW2d 508 (1995). The principle of proportionality requires a sentencing judge to determine where on the continuum from the least to most serious situation an individual falls, and sentence the offender in accordance with that determination. *Milbourn, supra*, 654. The court must take into consideration the nature of the offense and the background of the offender, and ensure that those whose conduct is more harmful receive greater punishment than those who commit lesser harms. *Id.*, 651.

There is no showing that the trial court abused its discretion in passing sentence. Although defendant had no prior record, the court found that the offenses were serious in nature, and touched on the cornerstones of our system of government. Defendant's lack of a prior record was reflected in a sentence that was considerably less than the maximum available for a fifteen year felony. The court

sentenced defendant in accord with the seriousness of the matter, and did not abuse its discretion.
Houston, supra.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Janet T. Neff

/s/ Michael R. Smolenski