

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON J. DAVIS,

Defendant-Appellant.

UNPUBLISHED

May 30, 2000

No. 213419

Wayne Circuit Court

Criminal Division

LC No. 97-502278

Before: Hoekstra, P.J., and Holbrook, Jr., and Zahra, JJ.

MEMORANDUM.

Defendant appeals as of right from his sentence of one and one-half to ten years in prison for his conviction of armed robbery, MCL 750.529; MSA 28.797, entered after a bench trial. We affirm.

Defendant was convicted of armed robbery and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). The trial court imposed consecutive terms of one and one-half to ten years and two years. The minimum sentence of one and one-half years for the conviction of armed robbery was within the guidelines range of eighteen to sixty months as calculated by defendant, and was at the low end of the range as requested by defendant.

A sentence that falls within the guidelines is presumptively proportionate. *People v Kennebrew*, 220 Mich App 601, 609; 560 NW2d 354 (1996). A sentencing court must articulate its reasons for imposing a particular sentence. *People v Fleming*, 428 Mich 408, 428; 410 NW2d 266 (1987). This requirement is satisfied if the court acknowledges that it is following the guidelines. *People v Latzman (On Remand)*, 166 Mich App 311, 312; 420 NW2d 200 (1988). Here, the court did not specifically state that it was following the guidelines; however, the minimum sentence of eighteen months for the conviction of armed robbery was within the guidelines and fell at the low end of the range, as requested by defendant. It is clear that the court imposed sentence based on the guidelines. The articulation requirement was satisfied. *People v Lawson*, 195 Mich App 76, 78; 489 NW2d 147 (1992).

Affirmed.

/s/ Joel P. Hoekstra

/s/ Donald E. Holbrook, Jr.

/s/ Brian K. Zahra