

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOLON JONELLE YOUNG,

Defendant-Appellant.

UNPUBLISHED

July 7, 2000

No. 220276

Berrien Circuit Court

LC No. 98-405664-FC

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Defendant appeals as of right from his conviction, after a jury trial, of attempting to disarm a peace officer, MCL 750.92; MSA 28.287, and resisting arrest, MCL 750.479; MSA 28.747. Defendant was sentenced as a fourth offense habitual offender MCL 769.12; MSA 28.1084, to terms of fifteen to thirty years' and eight to fifteen years' imprisonment. We affirm.

Defendant argues that his sentences are disproportionate and do not reflect the severity of the crime committed. We disagree.

In reviewing sentences imposed for habitual offenders, the reviewing court must determine whether there has been an abuse of discretion. *People v Hansford (After Remand)*, 454 Mich 320, 324; 562 NW2d 460 (1997). The imposition of a particular sentence is an abuse of discretion where it does not reasonably reflect the seriousness of the circumstances surrounding the offense and the offender. *People v Nelson*, 234 Mich App 454, 464; 594 NW2d 114 (1999). Sentencing guidelines are inapplicable to habitual offender sentences, and review of a sentence using the guidelines is inappropriate. *Hansford, supra*, p 323.

The record supports a finding that defendant merits a substantial sentence. He had an extensive criminal record, both as a juvenile and an adult. He served nine jail sentences, one prison sentence, and two terms of probation. He was on probation at the time of the offense. The offense involved a struggle with police officers who were attempting to arrest him on outstanding warrants. Defendant attempted to take one of the officer's weapons. Had defendant succeeded in gaining control of the weapon, a more serious crime likely would have been committed. Given the serious nature of the crime,

and defendant's extensive criminal record at a young age, there is no showing that the trial court abused its discretion in sentencing.

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad