

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VERNON JAMAE ADAMS,

Defendant-Appellant.

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UNPUBLISHED

December 26, 2000

No. 217759

Oakland Circuit Court

LC No. 98-161579-FC

Before: Griffin, P.J., and Holbrook, Jr., and Murphy, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial convictions of three counts of armed robbery, MCL 750.529; MSA 28.797, and one count of fourth-degree fleeing and eluding, MCL 750.479a(2); MSA 28.747(1)(2). Defendant was sentenced as a third habitual offender, MCL 769.11; MSA 28.1083, to eight to twenty years in prison for the armed robbery convictions, and two to four years in prison for the fourth-degree fleeing and eluding conviction. We affirm.

Defendant's sole issue raised on appeal is that the sentences imposed by the trial court are disproportionate. A trial court's imposition of a particular sentence is reviewed on appeal for an abuse of discretion, which will be found where the sentence imposed does not reasonably reflect the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). In sentencing an habitual offender, the trial court does not abuse its discretion by imposing a sentence within the statutory limits when the defendant's underlying felony, in the context of previous felonies, shows his inability to conform his conduct to the laws of society. *People v Hansford (After Remand)*, 454 Mich 320, 326; 562 NW2d 460 (1997). See also *People v Reynolds*, 240 Mich App 250, 252; 611 NW2d 316 (2000); *People v Alexander*, 234 Mich App 665, 679; 599 NW2d 749 (1999). *People v Nelson*, 234 Mich App 454, 464; 594 NW2d 114 (1999).

In the instant case, defendant's sentences fell within the statutory limits. Armed robbery is punishable by imprisonment for life or for any term of years, MCL 750.529; MSA 28.797, but because defendant is a third habitual offender, his armed robbery sentences may be enhanced to imprisonment for life or for a lesser term, MCL 769.11(1)(b); MSA 28.1083(1)(b). Fourth-degree fleeing and eluding is punishable by imprisonment for not more than two years or a fine of not more than \$500, or both, MCL 750.479a(2); MSA 28.747(1)(2), but because defendant is a

third habitual offender, his fourth-degree fleeing and eluding sentence may be enhanced to twice the longest term of imprisonment prescribed by law, MCL 769.11(1)(a); MSA 1083(1)(a). Therefore, defendant's sentences of eight to twenty years in prison for the armed robbery convictions and two to four years in prison for the fourth-degree fleeing and eluding conviction each fall within the statutory limits.

Defendant's present convictions for armed robbery and fourth-degree fleeing and eluding, along with his prior criminal record, show defendant's inability to conform his conduct to the laws of society. Defendant's prior record includes three juvenile offenses, including carrying a concealed weapon, retail fraud—second, and unarmed robbery. As an adult, defendant was convicted of unarmed robbery and was put on probation. While he was on probation, he was convicted of attempted unarmed robbery. Defendant committed the instant offense while on parole. As part of the instant offense, defendant and his codefendants carried guns when they robbed the restaurant. They taped the victims up, had them lay on the floor and took their money. Defendant then endangered peoples' lives by leading police on a high-speed and reckless car chase on major highways. Defendant was identified as the driver during the chase. Although nobody was seriously hurt during the robbery and there was no testimony that any guns were pointed at the victims, the seriousness of the offense is not diminished. Defendant's offense, along with his prior history of robberies and other offenses, shows his inability to conform his behavior to the law. Therefore, the trial court did not abuse its discretion in imposing defendant's sentences. *Hansford, supra*.

Affirmed.

/s/ Richard Allen Griffin  
/s/ Donald E. Holbrook, Jr.  
/s/ William B. Murphy