

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALBERT LYNN ROBB,

Defendant-Appellant.

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UNPUBLISHED

May 22, 2001

No. 220757

Lenawee Circuit Court

LC No. 98-008093-FH

Before: McDonald, P. J., and Smolenski and K. F. Kelly, JJ.

MEMORANDUM.

Defendant appeals as of right his jury convictions for felonious assault, MCL 750.82; MSA 28.277, malicious destruction of property, MCL 750.377a; MSA 28.609(1), and felony-firearm, MCL 750.227b; MSA 28.424(2). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant challenges the proportionality of his sentences of thirty-two to forty-eight months' imprisonment for the felonious assault charge, and thirty to forty-eight months' imprisonment for the malicious destruction of property charge. The sentences were at the top of the guidelines range for each offense.

A sentence must be proportional to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). A sentence within the guidelines range is presumptively proportionate. *People v Rivera*, 216 Mich App 648, 652; 550 NW2d 593 (1996). Defendant bears the burden of presenting evidence of unusual circumstances that would render a presumptively proportionate sentence disproportionate. *Id.*; *People v Sharp*, 192 Mich App 501, 505; 481 NW2d 773 (1992).

Defendant failed to present evidence to establish any unusual circumstances. Defendant's lack of a prior adult felony conviction was considered in the guidelines calculation. His employment history is not an unusual circumstance. *People v Daniel*, 207 Mich App 47, 54; 523 NW2d 830 (1994). Defendant failed to establish any meaningful cooperation with authorities that would be considered unusual. Given the lack of evidence of unusual circumstances, the trial

court did not abuse its discretion in sentencing defendant within the guidelines range. *Rivera, supra*.

Affirmed.

/s/ Gary R. McDonald  
/s/ Michael R. Smolenski  
/s/ Kirsten Frank Kelly