

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRUCE W. ADAMS,

Defendant-Appellant.

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UNPUBLISHED

August 31, 2001

No. 224830

Wayne Circuit Court

LC No. 98-013432

Before: Wilder, P.J., and Hood and Griffin, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for assault with intent to commit great bodily harm less than murder, MCL 750.84. We affirm.

Defendant's conviction arises out of the stabbing of a Dearborn Heights merchant. Defendant asserts that his two to ten year sentence is disproportionate where the guidelines range was zero to twelve months', defendant did not have a serious prior record, and he was only sixteen-years-old at the time of sentencing.

A sentence must be proportionate to both the seriousness of the crime and the defendant who committed it. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990). This Court will review the proportionality of a sentence under an abuse of discretion standard. *People v Merriweather*, 447 Mich 799; 527 NW2d 460 (1994). The degree of deviation from the guidelines range cannot be arithmetically measured to determine the proportionality of a sentence. *Id.*, 808. The key test is whether the sentence reflects the seriousness of the matter, and not whether it departs or adheres to the guidelines. *Milbourn, supra*, 659-661.

In passing sentence, a trial court may properly consider the effect of the crime on the victim. *People v Compagnari*, 233 Mich App 233, 236; 590 NW2d 302 (1998). Here, the victim made a compelling statement at sentencing about the effect of the crime on his life. This statement is probative of the seriousness of the crime. The trial court did not abuse its discretion in passing sentence.

Affirmed.

/s/ Kurtis T. Wilder

/s/ Harold Hood

/s/ Richard Allen Griffin