

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY D. WILDER,

Defendant-Appellant.

UNPUBLISHED

October 26, 2001

No. 224542

Kalamazoo Circuit Court

LC No. 98-001499-FH

Before: Gage, P.J., and Jansen and O'Connell, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of second-degree child abuse, MCL 750.136b(3). The trial court sentenced defendant, as a second-offense habitual offender, MCL 769.10, to thirty to seventy-two months' imprisonment. Defendant appeals as of right and we affirm.

Defendant's only claim is that his sentence is excessive. Because the offense occurred before January 1, 1999, the legislative sentencing guidelines do not apply. MCL 769.34. The judicial sentencing guidelines in effect at the time of the offense do not apply to the sentencing of habitual offenders. *People v Hansford (After Remand)*, 454 Mich 320, 323; 562 NW2d 460 (1997). We review defendant's sentence only to determine whether the trial court abused its discretion. *Id.* at 323-324. Here, defendant has a prior misdemeanor conviction and three prior felony convictions, all of which were assaultive offenses. When the present crime was committed, defendant had absconded from parole from the state of Illinois. The present offense involved defendant burning a fourteen-month-old girl with an iron on five to seven percent of her body surface area and she had numerous bruises on her body. Moreover, the sentence falls within the statutory limits for a second-offense habitual offender, that is, 1 ½ times of the maximum term (six years) proscribed for the underlying felony (four years). See *id.* at 326. Given defendant's prior criminal history and the extremely serious nature of the current offense, we conclude that the trial court did not abuse its discretion.

Affirmed.

/s/ Hilda R. Gage

/s/ Kathleen Jansen

/s/ Peter D. O'Connell