

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANGELIQUE MARIE REDMOND,

Defendant-Appellant.

UNPUBLISHED

November 15, 2002

No. 235097

Ingham Circuit Court

LC No. 00-074350-FH

Before: Owens, P.J., and Talbot and Meter, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of one count each of unarmed robbery, MCL 750.530, and felonious assault, MCL 750.82. She was sentenced to concurrent terms of five to fifteen years' imprisonment and two to four years' imprisonment, respectively. She appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that the trial court erred in scoring offense variable 5 (OV 5) at fifteen points.¹ Generally, "a sentencing court has discretion in determining the number of points to be scored provided there is evidence on the record that adequately supports a particular score." *People v Dilling*, 222 Mich App 44, 54; 564 NW2d 56 (1997). Fifteen points may be scored for OV 5 if there is evidence that the victim was "held captive significantly beyond that which was necessary to commit the offense." Here, there was evidence that the defendant took the victim's wallet, pager, and watch, but did not allow the victim to leave the apartment. In fact, a co-defendant blocked the door to prevent the victim from leaving. Accordingly, the trial court was within its discretion to score OV 5 at fifteen points. *Dilling, supra* at 54.

Next, defendant contends that the trial court improperly scored OV 17 at five points. The prosecutor concedes that the scoring was erroneous. Indeed, there was no evidence indicating that defendant stole merchandise valued at more than \$1,000. However, scoring OV 17 at zero

¹ Because the instant offenses occurred before January 1, 1999, the Supreme Court's sentencing guidelines apply. See MCL 769.34(1).

points would not change the appropriate sentencing guidelines range. As such, a remand is unnecessary. See *People v Johnson*, 202 Mich App 281, 290; 508 NW2d 509 (1993).

Finally, defendant summarily contends that her five-year minimum sentence was not proportional. We review sentences imposed under the judicial guidelines for an abuse of discretion. *People v Noble*, 238 Mich App 647, 661; 608 NW2d 123 (2000). “A sentence must be proportionate to the seriousness of the offense and the defendant’s criminal record.” *Id.*

Here, defendant’s lack of a prior record presented a mitigating circumstance. However, the instant offenses involved particularly reprehensible conduct. The evidence indicated that the defendant cut the victim’s waist length hair with a knife, shaved some of the victim’s hair with hair clippers, and pried the victim’s acrylic nails off one by one. Further, this conduct was apparently based on the victim owing the co-defendant about \$100 (or less). Accordingly, in light of the circumstances surrounding the instant offense, we are not persuaded that defendant’s sentence was disproportionate. *Noble, supra* at 661.

Affirmed.

/s/ Donald S. Owens

/s/ Michael J. Talbot

/s/ Patrick M. Meter