

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL SCOTT LAING.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

MICHAEL SCOTT LAING,

Respondent-Appellant.

UNPUBLISHED

April 3, 2008

No. 276468

Oakland Circuit Court

Family Division

LC No. 06-728659-DL

Before: Kelly, P.J., and Owens and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from an order granting petitioner's motion to waive jurisdiction from the juvenile court to the circuit court of general criminal jurisdiction, pursuant to MCL 712A.4. We affirm.

At issue is the juvenile court's decision with respect to phase II of the waiver hearing, the purpose of which is "to determine if the best interests of the juvenile and the public would be served by granting a waiver of jurisdiction" to the circuit court. MCL 712A.4(4); MCR 3.950(D)(2). In making its determination, the court is to consider the six factors listed in the statute and court rule, giving greater weight to the seriousness of the offense and the offender's prior record of delinquency than to the other factors. MCL 712A.4(4); MCR 3.950(D)(2)(d). Further, the court may consider hearsay testimony. The rules of evidence, apart from those pertaining to privilege, do not apply at the hearing. MCR 3.950(D)(2)(b). The court's factual findings are reviewed for clear error, MCR 3.902(A); MCR 2.613(C), while the court's ultimate decision whether to waive jurisdiction is reviewed for an abuse of discretion. *In re Fultz*, 211 Mich App 299, 306; 535 NW2d 590 (1995), rev'd on other grounds 453 Mich 937 (1996).

The juvenile court did not clearly err in finding that the factors weighed in favor of waiver of jurisdiction. Respondent committed a serious sexual offense against a young child who was many years his junior at the time. The evidence showed that respondent continued to present a threat to young children. He displayed an interest in child pornography, had attempted to arrange meetings with children over the Internet, and had an adult conviction for soliciting a minor. Further, he had violated the terms of probation imposed for his adult conviction. Finally, because respondent is now an adult, there is nothing the juvenile justice system can do for him. Therefore, the court did not abuse its discretion in waiving jurisdiction.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Donald S. Owens
/s/ Bill Schuette