

STATE OF MICHIGAN
COURT OF APPEALS

IN RE WILLIAM ERIC MOON

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM ERIC MOON,

Defendant-Appellant.

UNPUBLISHED

February 27, 1998

No. 200345

Wayne Probate Court

LC No. 96-340005

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

In this delinquency proceeding, defendant entered a plea of admission to assault and battery, MCL 750.81; MSA 28.276, and to incorrigibility, MCL 712A.2a(2)(a)(3); MSA 27.3178(598.2a)(2)(a)(3). This represented a reduction from the original charge of felonious assault, MCL 750.82; MSA 28.277. By way of factual basis, defendant acknowledged that during a verbal argument with his brother, he swung a broomstick at him, and that there are occasions when he refuses to obey his mother's reasonable commands.

A decision on disposition was initially deferred, pending preparation of various reports, and subsequently again deferred. Eventually, on November 13, 1996, defendant was ordered placed with the Family Independence Agency, the referee rejecting recommendations of both the probation officer and the prosecuting attorney for intensive probation.

Defendant now appeals by right; this appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Defendant contends that the trial court abused its sentencing discretion in ordering a placement with the Family Independence Agency instead of probation. Review of a sentencing determination in juvenile proceedings is similar to that for adult proceedings, *Matter of Chapel*, 134 Mich App 308; 350 NW2d 871 (1984), and thus involves review for abuse of the trial court's sentencing discretion.

* Circuit judge, sitting on the Court of Appeals by assignment.

That standard requires this Court to conclude that no reasonable sentencing authority would have found the actual disposition appropriate. *People v Merriweather*, 447 Mich 799, 807; 527 NW2d 460 (1994).

Here, the referee was concerned that, while awaiting disposition, defendant had been expelled from school, and that he failed to embark on a course of therapeutic counselling, despite having been directed to do so in conjunction with deferral of disposition, as well as with the lack of improvement in defendant's behavior despite the administration of prescription medication. On this record, this Court is unable to say that no reasonable sentencing authority could have found placement with the Family Independence Agency appropriate; defendant, by following a pattern of behavior that is dangerous to others and by demonstrating a continued inability to follow socially acceptable norms of conduct, has justified by his actions the disposition directed.

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison