

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD LAWRENCE WENZEL,

Defendant-Appellant.

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UNPUBLISHED

April 24, 1998

No. 200284

Macomb Circuit Court

LC No. 93-002639 FC

Before: Neff, P.J., and White and D. A. Teeple\*, JJ.

MEMORANDUM.

Defendant was convicted by jury of armed robbery, MCL 750.529; MSA 28.797, and was sentenced to forty-five to eighty years' imprisonment. This Court vacated defendant's sentence and remanded for resentencing, opining "[w]hile the trial court was within its discretion in departing from the guidelines, particularly in light of defendant's low chances of rehabilitation, the extent of the departure in this case was excessive." *People v Wenzel*, unpublished opinion per curiam of the Court of Appeals, issued 11/5/96 (Docket No. 178557), slip op at p 4. On remand, defendant was sentenced to thirty-seven to eighty years' imprisonment. Defendant appeals as of right. We affirm.

The trial court correctly concluded that this Court sanctioned a sentence outside the guidelines range in its previous opinion, based on the seriousness of the circumstances surrounding the offense and offender. The trial court, in any event, exceeded the guidelines because it believed such a sentence to be appropriate, not because the court thought this Court required such a result. This was proper. *People v Robinson*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (1997) (Docket Nos. 191237, 191238, 191766, issued 12/16/97).

Defendant's sentence does not violate the principle of proportionality for the reasons stated on the record at the time of resentencing. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995); *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

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

/s/ Janet T. Neff  
/s/ Helene N. White  
/s/ Donald A. Teeple