

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES ROBERT BOLDEN,

Defendant-Appellant.

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UNPUBLISHED

July 17, 1998

No. 199760

Allegan Circuit Court

LC No. 96-010066 FH

Before: Murphy, P.J., and Young, Jr. and Michael R. Smith\*, JJ.

MEMORANDUM.

Defendant was convicted of unarmed robbery, MCL 750.530; MSA 28.798, and sentenced to an enhanced term of imprisonment of three to thirty years', reflecting his status as a third felony offender, MCL 769.11; MSA 28.1083. Defendant appeals as of right. We affirm.

Viewing the evidence presented in a light most favorable to the prosecutor, we conclude that a rational factfinder could find beyond a reasonable doubt that defendant took the victim's property by use of force and by putting the victim in fear. *People v Davis*, 216 Mich App 47, 52-53; 549 NW2d 1 (1996); *People v Johnson*, 206 Mich App 122, 125-126; 520 NW2d 672 (1994); *People v Berry*, 112 Mich App 79, 81; 315 NW2d 199 (1981).

We also conclude that the trial court did not abuse its sentencing discretion when it imposed on defendant a sentence harsher than the sentence imposed on a codefendant under the terms of a plea agreement. There is no requirement that the sentencing court consider the sentence given to a coparticipant. *In re Dana Jenkins*, 438 Mich 364, 376; 475 NW2d 279 (1991). Moreover, in imposing sentence in this case, the trial court correctly adhered to the principle that sentences must be individualized and tailored to fit the circumstances of the defendant and the case. *Id.* In light of the circumstances of the instant offense and offender, the trial court did not abuse its sentencing discretion and imposed a disproportionate sentence. *People v Cervantes*, 448 Mich 620; 532 NW2d 831 (1995); *People v Maleski*, 220 Mich App 518, 525-526; 560 NW2d 71 (1996); *People v Gatewood (On Remand)*, 216 Mich App 559, 560; 550 NW2d 265 (1996).

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

Affirmed.

/s/ William B. Murphy  
/s/ Robert P. Young, Jr.  
/s/ Michael R. Smith