

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEROY EUGENE PICKETT,

Defendant-Appellant.

UNPUBLISHED

November 30, 1999

No. 207873

Recorder's Court

LC No. 96-009030

Before: Talbot, P.J., and Neff and Saad, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of second-degree murder, MCL 750.317; MSA 28.549, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). The trial court sentenced defendant to seventeen to thirty-five years' imprisonment for the murder conviction consecutive to two years' imprisonment for the felony-firearm conviction. Defendant appeals as of right. We affirm.

On appeal, defendant argues that the trial court abused its discretion by failing to articulate its reasons for the sentence it imposed for the murder conviction. We disagree. A trial court is required to articulate on the record the criteria considered and the reasons for the sentence imposed. *People v Rice (On Remand)*, 235 Mich App 429, 445-446; 597 NW2d 843 (1999). When the sentence imposed is within the guidelines range, a trial court's reliance on the sentencing guidelines constitutes sufficient justification for that sentence and no further explanation is necessary. *People v Broden*, 428 Mich 343, 354; 408 NW2d 789 (1987); *People v Bailey (On Remand)*, 218 Mich App 645, 646-647; 554 NW2d 391 (1996). Here, the articulation requirement was satisfied because the trial court cited the sentencing guidelines before imposing a sentence within those guidelines. *Id.* Consequently, defendant's argument lacks merit.

Defendant also contends that the trial court's statement that it "really [had] some problems here with you not accepting responsibility," indicates that it imposed a harsher sentence because he would not admit guilt. Again, we disagree. The record before us is devoid of any evidence suggesting that the trial court impermissibly considered defendant's refusal to admit guilt in determining his sentence or that it imposed a harsher sentence because defendant maintained his innocence. See *People v Draper*, 150

Mich App 481, 489; 389 NW2d 89 (1986). In fact, after the trial court made the contested statement it imposed a minimum sentence which was on the lower end of the recommended guidelines range. A sentence within the guidelines range is presumed to be neither excessive nor unfairly disparate. *People v Kennebrew*, 220 Mich App 601, 609; 560 NW2d 354 (1996). Accordingly, we conclude that the trial court did not abuse its discretion in imposing defendant's sentence. *People v McCrady*, 213 Mich App 474, 483; 540 NW2d 718 (1995).

Affirmed.

/s/ Michael J. Talbot

/s/ Janet T. Neff

/s/ Henry William Saad