

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GREGORY PETTY, a Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GREGORY PETTY,

Defendant-Appellant.

UNPUBLISHED

December 3, 1999

No. 206849

Wayne Juvenile Court

LC No. 96-341045

Before: Jansen, P.J., and Hoekstra and J. R. Cooper*, JJ.

MEMORANDUM.

Defendant appeals by right from the commitment order of the juvenile court entered pursuant to the recommendation of a hearing referee, following defendant's admission to carrying a concealed weapon (CCW), MCL 750.227; MSA 28.424. We affirm.

On appeal, defendant argues that the lower court abused its discretion in committing him to the Family Independence Agency instead of placing him on probation as recommended by the Wayne County Clinic and the probation department. Specifically, defendant contends that his single conviction of CCW did not warrant the commitment, and that the lower court improperly considered uncharged and unproven crimes. We disagree. The hearing referee appropriately relied upon aggravating facts established by the evidence and by defendant's own admissions. *People v Shavers*, 448 Mich 389, 393; 531 NW2d 165 (1995); *People v Compagnari*, 233 Mich App 233, 236; 590 NW2d 302 (1998). The referee identified ample reasons for concluding that a commitment to the Family Independence Agency was appropriate, given the lack of adequate control and supervision of defendant's behavior at his existing home. Moreover, defendant waived any objection to the referee's recommendation by failing to file a request for review under MCR 5.991. Cf. *Attorney General v*

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

Public Service Comm, 174 Mich App 161, 164; 435 NW2d 752 (1988). We find no abuse of discretion. *In Re Scruggs*, 134 Mich App 617, 621; 350 NW2d 916 (1984).

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper