

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JEREMY WASHINGTON, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEREMY WASHINGTON,

Defendant-Appellant.

UNPUBLISHED
February 27, 2001

No. 220182
Wayne Circuit Court
Juvenile Division
LC No. 97-360068

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Defendant appeals as of right from his guilty plea to receiving and concealing stolen property over \$100, MCL 750.535; MSA 28.803. At the dispositional phase, defendant was committed to the Family Independence Agency. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the court failed to respond to his challenge to the accuracy of information in the presentence report, and his sentence is disproportionate. A juvenile has the due process right to have the court respond to allegations of inaccuracy in probation reports. *In re Barber*, 168 Mich App 661, 666; 350 NW2d 211 (1988). However, resentencing is not required where the record shows that the challenged inaccurate information was disregarded in the sentencing decision. *Id.*, 665. Defendant objected to the statements of his mother's partner regarding defendant's behavior, using and selling drugs, and threatening the partner with a gun. The trial court noted the objections, and did not rely on any of the challenged information in passing sentence. Resentencing is not required.

There is no showing that the sentence is disproportionate. This Court reviews the sentence imposed on a juvenile for an abuse of discretion, utilizing the principle of proportionality. *People v Passeno*, 195 Mich App 91, 103-104; 489 NW2d 152 (1992), overruled in part on other grounds *People v Bigelow*, 229 Mich App 218, 221; 581 NW2d 744 (1998). An abuse of discretion will be found if the sentence imposed is not proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990).

In passing sentence, the trial court considered defendant's poor school record, his drug use, and defendant's mother's lack of cooperation with authorities in determining that probation was not a viable option. The sentence imposed is proportionate to defendant and the offense he committed, and the trial court did not abuse its discretion in committing defendant to the FIA.

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell