

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEVIN THOMPSON,

Defendant-Appellant.

UNPUBLISHED

April 10, 2001

No. 218913

Wayne Circuit Court

98-009688

Before: Hood, P.J., and Doctoroff and K.F. Kelly, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of voluntary manslaughter, MCL 750.321; MSA 28.533. The trial court sentenced defendant to eight to fifteen years' imprisonment. Defendant appeals as of right. We affirm.

Defendant argues that the court erred by finding defendant guilty of manslaughter without specifically addressing self-defense in its findings of fact. We disagree. A trial court's findings are sufficient if the record establishes that the court was aware of the relevant issues in the case and correctly applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995); *People v Wardlaw*, 190 Mich App 318, 321; 475 NW2d 387 (1991).

In this case, the court made several specific findings pertinent to the issue of self-defense. It is apparent that the trial court was aware that defendant's actions could constitute self-defense and determined that the facts did not support the conclusion that defendant honestly and reasonably believed that his life was in imminent danger, there was a serious threat of bodily harm, or that defendant did not use more force than necessary. *People v Kemp*, 202 Mich App 318, 322-323; 508 NW2d 184 (1993). Moreover, even though the court did not make a specific finding regarding self-defense, a court's failure to find facts does not require remand where it is manifest that the court was aware of the factual issue and resolved it, and further explication of the path the court followed in reaching the result would not facilitate our review. *People v Jackson*, 390 Mich 621, 627 n 3; 212 NW2d 918 (1973).

Defendant also argues that his sentence is disproportionate and constitutes an abuse of sentencing discretion. A trial court abuses its discretion where the sentence imposed is not proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Poppa*, 193 Mich App 184, 187; 483 NW2d 667 (1992).

Here, defendant's minimum sentence falls within the sentencing guidelines range. Sentences within the guidelines range are presumed to be neither excessively severe nor unfairly disparate. *People v Bennett*, 241 Mich App 511, 515-516; 616 NW2d 703 (2000). A sentence within the guidelines range can conceivably violate proportionality in unusual circumstances. *People v Milbourn*, 435 Mich 630, 661; 461 NW2d 1 (1990). However, defendant failed to establish unusual circumstances that would overcome the presumption of proportionality. We conclude that the trial court did not abuse its discretion in determining defendant's sentence.

Affirmed.

/s/ Harold Hood
/s/ Martin M. Doctoroff
/s/ Kirsten Frank Kelly