

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NATASHA LEEANN DENARD,

Defendant-Appellant.

UNPUBLISHED

January 29, 2008

No. 275879

Wayne Circuit Court

LC No. 06-009052-01

Before: Bandstra, P.J., and Donofrio and Servitto, JJ.

MEMORANDUM.

Defendant appeals as of right her sentence of eight to 15 years imprisonment for involuntary manslaughter, MCL 750.321, following a bench trial.¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's conviction arose from the stabbing death of her boyfriend. On appeal, defendant argues that she is entitled to resentencing because the trial court's decision to sentence her at the upper end of the guidelines was not "individualized" and was not based on accurate information. She maintains that the trial court was not advised of the "seriousness and intensity of the assault made upon her by decedent which resulted in her acts of self-defense." She also states that the trial court was unaware of the fear she was in during the altercation due to decedent's prior assaults. We disagree.

Under MCL 769.34(10), we must affirm a sentence within the minimum guidelines "absent an error in scoring the sentencing guidelines or inaccurate information relied upon in determining the defendant's sentence." Defendant does not allege a scoring error, and the record does not support defendant's argument that the trial court relied on inaccurate information.

The trial court was the factfinder at trial, and thus had the ability to hear the witnesses' testimony regarding the stabbing and the victim's aggression toward defendant. The trial court determined that defendant was not guilty of the greater charge of second-degree murder, but also did not find defendant's self-defense argument credible. Moreover, during sentencing, defendant's trial counsel argued extensively for a sentence at the low end of the guidelines, or

¹ The trial court acquitted defendant of second-degree murder, MCL 750.317.

below the guidelines. Counsel specifically emphasized the long-term “assaultive” relationship between defendant and decedent, decedent’s role in the fight that preceded the accidental stabbing, and defendant’s demonstrated remorse for decedent’s death.

The allegedly new information in the affidavit defendant has submitted to this Court is similar to both the testimony at trial and her counsel’s arguments during sentencing. Under the circumstances, we find that defendant has not shown that the trial court relied on inaccurate information during sentencing.

We affirm.

/s/ Richard A. Bandstra

/s/ Pat M. Donofrio

/s/ Deborah A. Servitto