

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALE OWEN GUEST, JR.,

Defendant-Appellant.

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UNPUBLISHED

April 19, 1996

No. 186439

LC No. 94-001040-FC

Before: Young, P.J., and Holbrook, Jr., and J.R. Ernst,\* JJ.

MEMORANDUM.

Defendant, a juvenile, pleaded nolo contendere to second-degree murder, MCL 750.317; MSA 28.549, and was sentenced as an adult to twenty-five to fifty years of imprisonment. He appeals as of right. We affirm.

The plea bargain provided that defendant's sentence would be within the guidelines' recommended range of ten to twenty-five years. Defendant now argues that his sentence is excessive under *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). However, a defendant who receives a bargained-for sentence waives right to challenge its length. *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992).

Defendant also argues that he should have been sentenced as a juvenile. We disagree. We will not second-guess the circuit court's assessment of the credibility of the witnesses who testified at defendant's disposition hearing. MCR 2.613(C). Defendant's probation violations, his history of assaults, and the circumstances of this offense demonstrate that any rehabilitation will be better effectuated by the adult corrections system. While defendant properly notes that the expert witnesses conceded they are unable to predict the future, defendant's past conduct raises grave concerns for the safety of the public if he were to be sentenced as a juvenile and released at age twenty-one. See *People v Passeno*, 195 Mich App 91, 103-105; 489 NW2d 152 (1992); MCL 769.1(3); MSA 28.1072(3); MCR 6.931(E)(3).

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\* Circuit Judge, sitting on the Court of Appeals by Assignment

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Donald E. Holbrook

/s/ J. Richard Ernst