

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM EVEREST ADAMS,

Defendant-Appellant.

UNPUBLISHED

August 16, 1996

No. 179547

LC No. 88-010849

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Pursuant to an agreement, defendant pleaded guilty to second-degree murder, MCL 750.317; MSA 28.549, assault with intent to murder, MCL 750.83; MSA 28.278, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to concurrent terms of life imprisonment for the murder and assault convictions, plus two years' consecutive imprisonment for the felony-firearm conviction. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not abuse its discretion in sentencing defendant in accordance with the sentencing agreement. *People v Cervantes*, 448 Mich 620, 626-627; 532 NW2d 831 (1995). The sentences are proportionate to the seriousness of the circumstances surrounding the offenses and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990). There is a reasonable prospect that defendant will be able to actually serve the sentences imposed. MCL 791.234(4); MSA 28.2304(4); *People v Moore*, 432 Mich 311, 323-326; 439 NW2d 684 (1989). The trial court was not required to evaluate defendant's actual state of health and make a factual determination of his actual

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**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

life expectancy. *Moore, supra*, 329. The fact that defendant may have terminal cancer does not render his sentence one in which he has no reasonable prospect of actually serving. *Id.* See also *People v Rushlow*, 437 Mich 149, 152; 468 NW2d 487 (1991).

Next, defendant's sentences do not constitute cruel or unusual punishment. *People v Bullock*, 440 Mich 15, 31-35; 485 NW2d 866 (1992); *People v Lorentzen*, 387 Mich 167, 171-172; 194 NW2d 827 (1972).

Finally, the record reflects that the trial court did not sentence defendant under a mistaken belief or without knowledge of the sentencing consequences.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.