

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL EDWARDS,

Defendant-Appellant.

UNPUBLISHED

December 17, 1996

No. 182297

Genesee County

LC No. 89-041329-FC

Before: Griffin, P.J., and T.G. Kavanagh* and D.B. Leiber**, JJ.

MEMORANDUM.

Defendant, a juvenile, was convicted by a jury of first-degree murder, MCL 750.316; MSA 28.548, and was sentenced as an adult to mandatory life imprisonment without parole. In a prior appeal, this Court affirmed defendant's conviction and sentence. *People v Edwards*, unpublished opinion per curiam of the Court of Appeals, issued June 15, 1993 (Docket No. 122152). Defendant thereafter applied for leave to appeal to the Supreme Court which, in lieu of granting leave, remanded the case to the trial court for reconsideration whether defendant should be sentenced as an adult. *People v Edwards*, 445 Mich 879; 519 NW2d 886 (1994). On remand, the trial court again sentenced defendant as an adult to mandatory life imprisonment without parole. He appeals as of right. We affirm.

Defendant's sentence of life imprisonment without parole does not constitute cruel or unusual punishment. *People v Launsburry*, 217 Mich App 358, 363-365; 551 NW2d 460 (1996). The trial court's findings of fact with regard to the factors enumerated in MCL 769.1(3); MSA 28.1072(3) and MCR 6.931(E)(3) are not clearly erroneous and the trial court's decision to sentence defendant as an adult was not an abuse of discretion. *People v Cheeks*, 216 Mich App 470, 474; 549 NW2d 584 (1996).

* Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

** Circuit judge, sitting on the Court of Appeals by assignment.

、 Affirmed.

/s/ Richard Allen Griffin
/s/ Thomas Giles Kavanagh
/s/ Dennis B. Leiber