

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEMARCUS SANTEIZE TAYLOR,

Defendant-Appellant.

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UNPUBLISHED

February 4, 1997

No. 185359

Saginaw Circuit Court

LC No. 94-009720

Before: Corrigan, P.J., J.B. Sullivan\* and T.G. Hicks,\*\* J.J.

PER CURIAM.

Following a jury trial in Saginaw Circuit Court, defendant was convicted of felonious assault, MCL 750.82; MSA 28.277, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to thirty-two to forty-eight months' imprisonment for felonious assault and two consecutive years' imprisonment for felony firearm. He filed this appeal as of right, and we affirm.

The jury in this case found that defendant fired a weapon into the home of a person with whom defendant had earlier had an argument and had earlier threatened. On appeal, defendant raises two sentencing issues. First, he claims the trial court abused its discretion in exceeding the guidelines recommendation of zero to twelve months. We disagree. Under *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990), the maximum sentence for a given offense is proportionate where the circumstances surrounding the offense place it in the most serious class with respect to the particular crime. *People v Houston*, 448 Mich 312, 319; 532 NW2d 508 (1995). The presentencing information report, to which defendant had no corrections or deletions, provides ample support both as to the seriousness of the offense and the offender for the sentence imposed. We acknowledge that defendant's sentence is two and one-half times the guidelines. However, given the extreme

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

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

circumstances of this case, we conclude that the trial court did not abuse its discretion in sentencing defendant to the maximum sentence for the given offense.

Defendant also claims that the trial court failed to adequately articulate on the record and on the sentencing information report its reasons for departing from the guidelines. Where a sentence imposed exceeds the recommended minimum range of the guidelines, the trial court must articulate both on the record at sentencing and on the sentencing information report its reasons for departing from the guidelines. *People v Fleming*, 428 Mich 408, 428; 410 NW2d 266 (1987).

In this case the trial court stated:

THE COURT: This Court does not believe that the charge that the defendant was convicted of adequately reflects the seriousness of his conduct. There were a number of people who were put at risk of death that day. This house was obviously attacked with at least four bullets which went right through the walls placing at least two occupants at risk of death.

The Court is going to sentence the defendant beyond the sentencing guidelines. . .

The trial court was aware of the guidelines at sentencing, and sufficiently articulated on the record reasons for departing from the guidelines. *People v Kreger*, 214 Mich App 549, 554-555; 543 NW2d 55 (1995). However, remand is required for the ministerial task of completion of the sentencing information report guideline departure form. *People v Bunn*, 166 Mich App 584; 421 NW2d 247 (1988).

Defendant's convictions and sentences are affirmed, but the case is remanded for completion of the sentencing information report guideline departure form. We do not retain jurisdiction.

/s/ Maura D. Corrigan

/s/ Joseph B. Sullivan

/s/ Timothy G. Hicks