

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERTO ROMAN,

Defendant-Appellant.

UNPUBLISHED

July 25, 1997

No. 193652

Leelanau Circuit Court

LC No. 94-000779 FH

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Defendant appeals by right from his jury conviction of possession with intent to deliver marijuana, and resulting sentence of one and one-half to four years imprisonment. This case is being decided without oral argument pursuant to MCR 7.214(E).

The sole issue presented is a claim that defendant's sentence, being above the guideline range of 0 to 12 months imprisonment, is disproportionate to the offense and the offender. In imposing a minimum sentence 6 months above the maximum of the guideline range, the trial court noted the substantial quantity of marijuana involved, 2 ½ pounds, and its street value of \$4,000, that this was the second such package defendant had received through the mail, that defendant had no legitimate employment and thus appeared to support himself by drug dealing, and defendant's lack of remorse and thus failure of recognition that what he did was wrong and could cause great harm to the citizens of the community. Under these circumstances, the sentence imposed does not represent an abuse of the trial court's sentencing discretion and is not disproportionate to the offense or the offender. *People v Nantelle*, 215 Mich App 77; 544 NW2d 667 (1996).

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn

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

