

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TERRANCE D. BROWN,

Defendant-Appellant.

UNPUBLISHED
October 10, 1997

No. 196483
Oakland Circuit Court
LC No. 88-088927 FC

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

Following remand for resentencing after a first appeal on leave granted, Docket No. 133848, and disqualification of the original trial judge for resentencing purposes, defendant appeals by right his new sentence of 25 to 40 years' imprisonment for second degree murder and 2 years for felony firearm. He contends that his 25 to 40 year sentence is disproportionate to the offense and the offender, and that the sentencing judge relied on improper considerations in imposing such sentence. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The sentence imposed is within the guideline range, and given the facts of the crime and this Court's prior observations to the effect that there was ample evidence of premeditation and deliberation to submit the issue of first degree murder to the jury, and that defendant had demonstrated a complete lack of remorse at the time of the offense, defendant has failed to overcome the presumption that a sentence within the guideline range is proportionate to the offense and the offender, even when it is at the maximum end of the guideline range. *People v Vettese*, 195 Mich App 235, 247; 489 NW2d 514 (1992).

In stating that a sentence less than the maximum allowed by the guidelines would fail to "acknowledge their [the victims' family's] loss and to tell Mr. Brown how serious what he did," the trial judge was merely taking into account the need for disciplining of the wrongdoer, a completely proper and appropriate sentencing consideration. *People v Snow*, 386 Mich 586, 592; 194 NW2d 314 (1972). In sentencing defendant for second degree murder, the trial court properly took into

consideration defendant's lack of appreciation for the value of human life in fashioning the sentence imposed.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad