

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KIMBERLY L. FREEMAN,

Defendant-Appellant.

UNPUBLISHED
October 31, 1997

No. 188526
Oakland Circuit Court
LC No. 94-134043 FH

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

Defendant was convicted by a jury of false pretenses with intent to defraud over \$100, MCL 750.218; MSA 28.415, and illegal use of a financial transaction device, MCL 750.157n; MSA 28.354(14). She was sentenced to serve prison terms of 5 to 10 years and 2 to 4 years, respectively. She appeals by right, arguing that her sentences are disproportionate to the offenses and the offender in violation of *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). We affirm.

The key test of proportionality is not whether the sentence departs from or adheres to the recommended guideline range, but whether it reflects the seriousness of the matter properly. *People v Lemons*, 454 Mich 234, 260; ___ NW2d ___ (1997). Here, by acquiring and misusing information concerning another person with the same name, defendant destroyed the victim's credit rating, plundered her bank account, and so disrupted the victim's life as to prompt her, at sentencing during the victim's impact statement, to suggest that she might have to change her name and social security number. As the trial court accurately noted, this was not an isolated event but a carefully orchestrated and calculated series of transgressions by the defendant, for which the recommended minimum sentence under the guidelines of zero to 12 months was utterly inadequate. The sentence imposed properly reflected the seriousness of the matter and does not represent an abuse of the trial court's sentencing discretion.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Roman S. Gibbs