

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TONY SCOTT BOSSERT,

Defendant-Appellant.

UNPUBLISHED

December 30, 1997

No. 197364

Tuscola Circuit Court

LC No. 96-006892 FH

Before: Griffin, P.J., and Markman and Whitbeck, JJ.

MEMORANDUM.

After being convicted in a jury trial of unlawfully driving away an automobile (UDAA), MCL 750.413; MSA 28.645, defendant was adjudicated an habitual third offender, MCL 769.11; MSA 28.1083, and was sentenced to an enhanced term of six years eight months to ten years' imprisonment.¹ On this appeal of right, defendant contends that his sentence is disproportionate to the offense and the offender.

The review of habitual offender sentences is for an abuse of sentencing discretion. *People v Hansford (After Remand)*, 454 Mich 320, 323-324; 562 NW2d 460 (1997). Here, among the aggravating factors which the trial court properly took into account in imposing sentence were that the offense was committed while defendant was on parole, that defendant, beginning as a juvenile and continuing through his adult years, has prior serious theft offenses which prior milder punishments have proved inadequate to deter, that defendant has shown continuing disrespect for the law, and that defendant, to avoid apprehension on the present charges, led police on a high speed chase, putting himself, the police, and bystanders at risk of serious injury or death. Defendant has not established an abuse of the trial court's sentencing discretion on this record. See *id.* at 326 (trial court does not abuse its discretion in imposing sentence within statutory limits "when an habitual offender's underlying felony, in the context of his previous felonies, evidences that the defendant has an inability to conform his conduct to the laws of society").

Affirmed.

/s/ Richard Allen Griffin
/s/ Stephen J. Markman
/s/ William C. Whitbeck

¹ As the parties indicate, this was the highest possible sentence. Under MCL 750.413; MSA 28.645, the ordinary maximum sentence for UDAA is five years. Because defendant was adjudicated an habitual third offender, the trial court could impose a maximum sentence for up to twice that long (ten years). MCL 769.11; MSA 28.1083. The minimum sentence imposed may not exceed two-thirds of the maximum sentence. *People v Thomas*, 447 Mich 390, 392; 523 NW2d 215 (1994).