

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JERRY LEE STALEY,

Defendant-Appellant.

UNPUBLISHED

February 17, 1998

No. 198606

Barry Circuit Court

LC No. 94-000007 FH

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

Following a remand for resentencing before a different judge on his jury conviction for aggravated stalking, MCL 750.411i; MSA 28.643(9), enhanced based on defendant's fourth offender status, MCL 769.12; MSA 28.1084, defendant again appeals by right, contending that his 15 to 25 year sentence is disproportionate to the offense and the offender. We affirm.

In light of defendant's prior criminal record, which includes both assaultive crimes and malicious crimes, reflecting a person unable to control his emotions, and in light of the fact that the instant offense was committed while defendant was on parole and involved defendant threatening the victim's life, the sentence imposed does not reflect an abuse of the trial court's sentencing discretion. *People v Hansford (After Remand)*, 454 Mich 320; 562 NW2d 460 (1997).

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison

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