

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL R. WATSON,

Defendant-Appellant.

UNPUBLISHED

May 15, 1998

No. 195857

Recorder's Court

LC No. 95-008933

Before: Neff, P.J., and White and D. A. Teeple*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of unarmed robbery, MCL 750.530; MSA 28.798, and assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and sentenced to an enhanced term of imprisonment of 6 to 22-1/2 years, reflecting defendant's status as a second felony offender, MCL 769.10; MSA 28.1082. Defendant appeals as of right. We affirm.

The trial court did not abuse its sentencing discretion and impose a disproportionate sentence where the instant offense occurred two weeks after defendant was placed on probation following a felonious assault conviction, where defendant immediately violated the terms of this probation by failing to report and by moving out of his residence without permission, where defendant's juvenile record includes adjudications for conspiracy to commit armed robbery and felonious assault, where defendant's adult criminal history includes two felony convictions and five misdemeanor convictions, where defendant has an assaultive history, where the victim has been in psychological therapy since the attack, where defendant failed to take advantage of the rehabilitative programs offered to him in various juvenile facilities, and where defendant humiliated the victim. *People v Hansford (After Remand)*, 454 Mich 320; 562 NW2d 460 (1997).

We decline appellate review of defendant's challenge to the scoring of Offense Variable 9 because this is not a cognizable appellate issue. *People v Mitchell*, 454 Mich 156, 176-178; 560 NW2d 600 (1997). We further note that the sentencing guidelines do not apply to the sentencing of

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

habitual offenders such as defendant. *Hansford, supra*, 323; *People v Strickland*, 181 Mich App 344, 345-346; 48 NW2d 848 (1989).

Defendant has failed to establish on the instant record that he was deprived of the effective assistance of counsel. *Mitchell, supra* at 156; *People v Barclay*, 208 Mich App 670, 672; 528 NW2d 842 (1995).

Affirmed.

/s/ Janet T. Neff

/s/ Helene N. White

/s/ Donald A. Teeple