

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of MICHAEL DAVID SAYLES,  
Minor.

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PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

MICHAEL DAVID SAYLES,

Respondent-Appellant.

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UNPUBLISHED

May 12, 2005

No. 258525

Calhoun Circuit Court

Family Division

LC No. 99-002640-DL

Before: Cooper, P.J., and Jansen and Hoekstra, JJ.

MEMORANDUM.

Respondent, a juvenile, was charged in a delinquency petition with first-degree home invasion, MCL 750.110a(2), attempted armed robbery, MCL 750.92(2) and MCL 750.529, carrying a concealed weapon, MCL 750.227(2), and possession of a firearm during the commission of a felony, MCL 750.227b. He appeals as of right from a family court decision waiving jurisdiction over him so that he may be tried as an adult in a court of general criminal jurisdiction. See MCL 712A.4. We affirm.

Following a two-phase waiver hearing, the trial court discoursed on each of the factors set forth in MCL 712A.4(4) and MCR 3.950(D)(2)(d), and granted the prosecutor's motion to waive jurisdiction to adult criminal court. On appeal, respondent argues that the trial court erred in granting the prosecutor's motion. We do not agree. When reviewing a trial court's decision to waive jurisdiction pursuant to MCL 712A.4, we review the trial court's factual findings for clear error, MCR 2.613(C), but review the court's ultimate decision on the basis of those facts for an abuse of discretion, *In re Fultz*, 211 Mich App 299, 306; 535 NW2d 590 (1995), rev'd on other grounds 453 Mich 937 (1996).

Respondent does not challenge any of the trial court's factual findings, but characterizes these findings as tending generally to be neutral or to weigh in favor of continued juvenile placement. However, the trial court's findings in connection with each factor militated in favor of the conclusion that the public good required the additional protections afforded by placing respondent in the adult system, and that respondent himself, as one who had breached every component of the juvenile system to date, needed the adult system to protect him from his own

continued criminal development. Although respondent presented testimony favoring continued juvenile treatment, this Court must defer to the trial court's superior ability to weigh the testimony and evaluate the credibility of the witnesses. See *People v Peerenboom*, 224 Mich App 195, 198; 568 NW2d 153 (1997). We find no basis for disturbing the trial court's waiver decision.

Affirmed.

/s/ Jessica R. Cooper

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra