If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED August 14, 2026 11:56 AM
v	No. 375617 Wayne Circuit Court
MICHAEL DANTZLER, Defendant-Appellant.	LC No. 24-006038-01-FC

Before: CAMERON, P.J., and MALDONADO and WALLACE, JJ.

PER CURIAM.

Defendant appeals as of right his sentences for felon in possession of a firearm (felon-in-possession), MCL 740.224f; possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b; and carrying a concealed weapon (CCW), MCL 750.227. The trial court sentenced defendant as a fourth habitual offender, MCL 768.12, to serve concurrently 4 to 10 years for the felon-in-possession conviction and the CCW conviction, and to serve a preceding, consecutive term of 2 years for the felony-firearm conviction.

We affirm defendant's sentences but remand for the limited purpose of correcting the judgment of sentence to reflect that the felony-firearm sentence should run consecutive only to the felon-in-possession sentence and should run concurrent to the CCW sentence.

I. BACKGROUND

This case arises out of the shooting and death of Felton Knuckles. In the evening of September 11, 2024, Stephanie McKnight arrived at her grandfather's house with defendant, her mechanic, so that defendant could work on her car that was parked in her grandfather's backyard. McKnight got out of defendant's car and saw the motorcycle of her former boyfriend, Knuckles, parked in front of the house. McKnight told defendant to leave so she could figure out why Knuckles was there, and defendant left. McKnight made her way to the backyard and was confronted by Knuckles. At some point, Knuckles punched McKnight in the face, knocking her to the ground. McKnight heard Knuckles's motorcycle drive away, so she called defendant to tell him that Knuckles had left, and he could come back and work on her car. Defendant returned and a short time later, Knuckles also returned and parked his motorcycle right next to defendant's car.

Defendant testified that Knuckles threatened him and said that "we're going to have a problem if you let that bitch back in your car." Defendant also testified that Knuckles turned around to reach into his motorcycle bag, so defendant grabbed his gun from the center console of his car. Then, as Knuckles was turning back around, defendant fired one shot. McKnight was making her way back to the front of the house when she heard the gunshot, she then saw defendant drive away and Knuckles standing near his motorcycle in the street. Knuckles told McKnight to call the police and laid down. When the police arrived, they saw Knuckles lying in the street and saw that he had a gunshot wound under his armpit. Knuckles was transported to the hospital and was later pronounced dead due to the gunshot wound.

On September 24, 2025, the police arrested defendant. Defendant was charged with second-degree murder, felon-in-possession, two counts of felony-firearm, and CCW. The predicate felonies for the felony-firearm charges were second-degree murder and felon-in-possession. After a two-day jury trial, the jury acquitted defendant of second-degree murder and the associated one count of felony-firearm, but found defendant guilty of felon-in-possession, felony-firearm, and CCW. The trial court sentenced defendant as stated earlier, and defendant now appeals.

II. PROPORTIONALITY

Defendant argues that the trial court abused its discretion when it failed to justify defendant's sentences. We disagree.

A. PRESERVATION AND STANDARD OF REVIEW

"There are no special steps that a defendant must take to preserve the question whether the sentence was proportional[.]" *People v Walden*, 319 Mich App 344, 350; 901 NW2d 142 (2017). We review the proportionality of a trial court's sentence for abuse of discretion. *People v Teike*, 348 Mich App 520, 537; 19 NW3d 733 (2023). An abuse of discretion occurs when a sentence violates the principle of proportionality. *Id*. "[T]he principle of proportionality simply requires sentences imposed by the trial court to be proportionate to the seriousness of the circumstances surrounding the offense and the offender." *Id*. at 537-538 (quotation marks and citation omitted). See also *Graham v Florida*, 560 US 48, 59; 130 S Ct 2011; 176 L Ed 2d 825 (2010). When a trial court sentences a defendant within the guidelines range, there is a presumption that the sentence is proportionate to the circumstances surrounding the offense and the offender. *People v Brcic*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket Nos. 362727 and 366230); slip op at 10.

B. ANALYSIS

A trial court has the authority to sentence a defendant within the range of sentencing outcomes assigned by the Legislature for a given conviction. *People v Boykin*, 510 Mich 171, 183; 987 NW2d 58 (2022). The trial court has a duty to exercise discretion in a way that ensures that the sentence is "tailored to the particular circumstances of the case and offender" and "conforms with the principle of proportionality." *Id*. Specifically, "[a]n appropriate sentence should give consideration to the reformation of the offender, the protection of society, the discipline of the offender, and the deterrence of others from committing the same offense." *Id*. See also *People v*

Snow, 386 Mich 586, 592; 194 NW2d 314 (1972). These four considerations are known as the *Snow* factors. *Boykin*, 510 Mich at 188.

When a trial court sentences a defendant within the guidelines range, there is a presumption that the sentence is proportionate. *Brcic*, ___ Mich App at ___; slip op at 10. However, "the presumption of proportionality may be overcome." *People v Posey*, 512 Mich 317, 360; 1 NW3d 101 (2023) (opinion by BOLDEN, J.). "The defendant bears the burden of demonstrating that their within-guidelines sentence is unreasonable or disproportionate." *Brcic*, ___ Mich App at ____; slip op at 10 (quotation marks, brackets, and citation omitted). See also *Posey*, 512 Mich at 359; *People v Ventour*, 349 Mich App 417, 430; 27 NW3d 660 (2023). "A defendant may overcome the presumptive proportionality of a within guidelines sentence by presenting unusual circumstances that would render the presumptively proportionate sentence disproportionate." *Ventour*, 349 Mich App at 430 (quotation marks, brackets, and citation omitted). "Unusual means uncommon, not usual, rare." *Id*. (quotation marks and citation omitted).

In the present case, defendant does not dispute that his sentencing guidelines range was correctly calculated or that his sentence fell within the guidelines range. Therefore, defendant's sentence is presumed proportionate, and defendant bears the burden of presenting unusual circumstances that rebut this presumption. *Brcic*, ___ Mich App at ___; slip op at 10. However, defendant neither acknowledges this Court's jurisprudence requiring a defendant challenging the proportionality of a within-guidelines sentence to present unusual circumstances sufficient to rebut the proportionality presumption, nor alleges the existence of any unusual circumstances. Instead, defendant argues only that the trial court failed to consider the *Snow* factors or explain why the 48-month minimum sentence was necessary. Neither of these arguments satisfy defendant's burden to overcome the presumption of proportionality.

There is no requirement that the trial court expressly mention each *Snow* factor when imposing a sentence. *People v Rice*, 235 Mich App 429, 446; 597 NW2d 843 (1999). Further, "[t]rial courts are not required to expressly or explicitly consider mitigating factors at sentencing." *People v Bailey*, 330 Mich App 41, 63; 944 NW2d 370 (2019). Therefore, omitting the *Snow* factors from the record does not mean that the trial court failed to consider them. In addition, defendant has provided no argument that the *Snow* factors gave rise to any unusual circumstances sufficient to overcome the presumption of proportionality. In fact, defendant fails to provide any discussion of the *Snow* factors as they relate to defendant. Defendant does not discuss his rehabilitation potential, whether he poses a danger to society, or any sort of circumstance that suggests a lesser sentence was more proportional. Accordingly, this argument fails.

Contrary to defendant's argument on appeal, the trial court was also not required to explain why its sentencing decision was necessary. In *People v Posey (On Remand)*, 349 Mich App 199, 206-207; 27 NW3d 137 (2023), this Court explained that "there is nothing in *Posey* suggesting that a sentencing court needs to expressly explain why a within-guidelines sentence is reasonable and proportionate." Regardless, the record indicates that the trial court did take care to calculate the minimum sentencing guidelines after ruling on the disputed sentencing variables and clarified how defendant's fourth habitual offender status factored into the guidelines. Further, the fact that the trial court did not impose the discretionary maximum life sentence for the felon-in-possession or CCW charges and instead stayed within the recommended minimum guidelines range of 2 to 4 years, indicates that the trial court considered what sentences were reasonable and necessary under

the circumstances. Further, defendant has not provided any argument that indicates that the sentences were unnecessary, disproportionate, or unreasonable. Accordingly, this argument also fails.

In sum, defendant has failed to carry his burden of demonstrating that the presumptively proportionate within-guidelines sentences were disproportionate.

III. FELONY-FIREARM SENTENCE

Defendant next argues that the trial court erroneously imposed the felony-firearm sentence consecutive to the CCW sentence. The prosecution concedes this issue, and we agree.

A. PRESERVATION AND STANDARDS OF REVIEW

Defendant did not object to this issue at sentencing or in any subsequent motion; accordingly, this issue is not preserved. See MCL 769.34(10); MCR 6.429(C). Unpreserved sentencing errors are reviewed for plain error affecting substantial rights. *People v Lockridge*, 498 Mich 358, 392; 870 NW2d 502 (2015). "To establish entitlement to relief under plain-error review, the defendant must establish that an error occurred, that the error was plain, i.e., clear or obvious, and that the plain error affected substantial rights." *Id*. at 392-393. "Whether a consecutive sentence may be imposed is a question of statutory interpretation that we review de novo." *People v Parker*, 319 Mich App 410, 414; 901 NW2d 632 (2017).

B. ANALYSIS

"A trial court may only impose a consecutive sentence if specifically authorized by statute." *Id*. at 415. The felony-firearm statute, MCL 750.227b, provides in relevant part as follows:

> (1) A person who carries or has in his or her possession a firearm when he or she commits or attempts to commit a felony, except a violation of section 223, 227, 227a, or 230, is guilty of a felony and shall be punished by imprisonment for 2 years.
>
> * * *
>
> (3) A term of imprisonment prescribed by this section is in addition to the sentence imposed for the conviction of the felony or the attempt to commit the felony and *shall be served consecutively with and preceding any term of imprisonment imposed for the conviction of the felony or attempt to commit the felony*. [Emphasis added.]

Consistent with the language of MCL 750.227b, it has been well-established by our Supreme Court that a felony-firearm sentence may only be imposed consecutive to the *one* predicate offense. *People v Smith*, 506 Mich 1, 5-8; 954 NW2d 78 (2020); *People v Clark*, 463 Mich 459, 463-464; 619 NW2d 538 (2000). See also *People v Coleman*, 327 Mich App 430, 441; 937 NW2d 372 (2019). Relevant here, felon-in-possession may serve as a predicate felony for felony-firearm. See MCL 750.227b(1). See also *Coleman*, 327 Mich App at 436.

In the present case, defendant was convicted of felon-in-possession, felony-firearm, and CCW. The predicate felony for his felony-firearm conviction was felon-in-possession. Accordingly, the trial court was required to impose the felony-firearm sentence consecutive to the felon-in-possession sentence. MCL 750.227b(3). See also *Coleman*, 327 Mich App at 436, 442. However, at sentencing, the trial court made the 2-year felony-firearm sentence consecutive to *both* the felon-in-possession sentence and CCW sentence. MCL 750.227(b)(1) expressly excludes CCW, "a violation of section 227," as a possible predicate felony for felony-firearm. Moreover, "[b]ecause there is no statute mandating that a sentence for a CCW conviction run consecutive to a sentence for a felony-firearm conviction, the sentence should run concurrently." *People v McCrady*, 213 Mich App 474, 486; 540 NW2d 718 (1995). In other words, caselaw provides that a felony-firearm sentence must only be imposed consecutively to the predicate felony sentence, and under MCL 750.227b(1), CCW cannot serve as a predicate felony. Therefore, a felony-firearm sentence cannot be imposed consecutively to a CCW sentence. See *Clark*, 463 Mich at 463 & n 8.

Accordingly, the trial court plainly erred when it made the felony-firearm sentence consecutive to *both* the felon-in-possession sentence and the CCW sentence.

IV. CONCLUSION

We affirm defendant's sentences because the trial court sentenced defendant within the guidelines; therefore, defendant's sentences are presumed proportionate, and defendant has not carried his burden to overcome this presumption. However, we remand for the limited purpose of correcting the judgment of sentence because although the sentence for felony-firearm must be served consecutive to the sentence for felon-in-possession, i.e., the predicate felony, the CCW sentence must be served concurrently. We do not retain jurisdiction.

/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado
/s/ Randy J. Wallace