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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	FOR PUBLICATION July 17, 2026 10:00 AM
V	No. 366786 Wayne Circuit Court
MARCUS LAWRENCE BERI, Defendant-Appellant.	LC No. 19-004398-01-FC

Before: GADOLA, C.J., and BOONSTRA and CAMERON, JJ.

BOONSTRA, J.

Defendant appeals by right his jury-trial conviction of two counts of armed robbery, MCL 750.529, and two counts of carrying a firearm during the commission of a felony (felony-firearm), MCL 750.227b. The trial court sentenced defendant to two years' imprisonment for the felony-firearm convictions, followed by two concurrent terms of 180 to 360 months' imprisonment for the armed robbery convictions. We affirm.

I. PERTINENT FACTS AND PROCEDURAL HISTORY

This case arises from an altercation in an alleyway that resulted in the death of one person and severe injuries to another. The victims, Ryan Nelson and Garrett Cornwell, were from Tennessee. They had arranged to meet with defendant at the Russell Industrial Center in Detroit on November 18, 2018 to purchase $50,000 worth of vaping cartridges filled with tetrahydrocannabinol (THC). When Nelson and Cornwell arrived at that location in Nelson's vehicle, defendant directed the car down an alley inside the complex. According to Cornwell, when he got out of the car, defendant immediately shot him three times, striking him in the neck, chest, and under his left arm. Defendant shot Nelson six times as Nelson ran off down the alley. Before leaving the complex, defendant grabbed a backpack from Nelson's car; it contained cash for the purchase of the THC cartridges. Nearby witnesses called for emergency services. Cornwell was transported to a hospital for treatment, but Nelson was found dead at the scene.

About two weeks later, defendant was arrested in connection with the incident. At the time of his arrest, he was in possession of a handgun that matched 11 shell casings recovered at the scene of the shooting. He had a concealed pistol license. The police executed a search warrant at

defendant's apartment and found just over $54,000 in a safe, a cash receipt issued by a Chevrolet dealer for $7,808 received from defendant, a default judgment entered by the 27th District Court against defendant in the amount of $3,907.12, and a demand for $1,133.14 of unpaid rent.

Defendant admitted in a police interview that he shot both men because Cornwell initially pointed a gun at him and threatened him. He explained that Cornwell had put a gun up to his neck and fired it, but that he was able to avoid being hit. Defendant claimed that Nelson and Cornwell planned to rob him. Defendant then used his gun to shoot Cornwell and Nelson in self-defense, and that he took the bag of cash afterward because he believed that he "had to" take it.

Defendant was charged with first-degree premeditated murder, felony murder, assault with intent to commit murder (AWIM), two counts of armed robbery, and five counts of felony-firearm. At trial, defendant relied on his statements in the police interview to support a self-defense theory. He also argued that the police did a poor job in investigating the case, particularly when looking for the gun that Cornwell allegedly had used to shoot at defendant. The prosecutor's theory was that defendant was in debt and needed money, so he intentionally shot Cornwell and Nelson when he saw an opportunity to take the money for himself.

The jury acquitted defendant of first-degree premeditated murder, felony murder, AWIM, and the associated counts of felony-firearm. It convicted defendant of two counts of armed robbery and two counts of felony-firearm. The trial court sentenced him as described. Defendant moved for a judgment of acquittal, arguing that there was insufficient evidence to support the armed robbery convictions. Alternatively, he requested a new trial because the jury had returned an inconsistent verdict by acquitting him on the basis of self-defense for three offenses but nonetheless convicting him of the armed robberies. The trial court denied the motion and this appeal followed.

II. ARMED-ROBBERY CONVICTIONS

Defendant argues that there was insufficient evidence to support his armed-robbery convictions and that the jury returned an inconsistent verdict because he could not properly be convicted of armed robbery if he was acquitted on the other offenses. We disagree.

A. STANDARD OF REVIEW

We review de novo a challenge to the sufficiency of the evidence to support a defendant's conviction. *People v Speed*, 331 Mich App 328, 331; 952 NW2d 550 (2020). We also review de novo whether a jury's verdict was inconsistent. *People v Russell*, 297 Mich App 707, 722; 825 NW2d 623 (2012).

B. SUFFICIENCY OF THE EVIDENCE

"In reviewing a challenge to the sufficiency of the evidence, this Court analyzes the evidence presented in the light most favorable to the prosecution to determine whether any rational trier of fact could have found that the essential elements of the crime charged were proven beyond a reasonable doubt." *People v Lundy*, 467 Mich 254, 257; 650 NW2d 332 (2002). "Circumstantial evidence and reasonable inferences arising from that evidence can constitute satisfactory proof of the elements of the crime." *People v Jackson*, 292 Mich App 583, 587; 808 NW2d 541 (2011)

(quotation marks and citation omitted). It is for the jury to weigh the evidence and address the credibility of the witnesses, and any conflicts in the evidence must be resolved in the prosecutor's favor. *Id*. at 587-588.

In *People v Chambers*, 277 Mich App 1, 6-8; 742 NW2d 610 (2007), this Court analyzed the elements required to prove armed robbery:

> The armed robbery statute, MCL 750.529, currently[1] provides:
>
> > A person who engages in conduct proscribed under [MCL 750.530] and who in the course of engaging in that conduct, possesses a dangerous weapon . . . is guilty of a felony punishable by imprisonment for life or for any term of years.
> >
> > * * *
>
> MCL 750.530(1) provides:
>
> > A person who, in the course of committing a larceny of any money or other property that may be the subject of larceny, uses force or violence against any person who is present, or who assaults or puts the person in fear, is guilty of a felony punishable by imprisonment for not more than 15 years.
>
> The incorporation of MCL 750.530, the unarmed robbery statute, into the armed robbery statute . . . leads us to the conclusion that a prosecutor must now prove, in order to establish the elements of armed robbery, that (1) the defendant, in the course of committing a larceny of any money or other property that may be the subject of a larceny, used force or violence against any person who was present or assaulted or put the person in fear, and (2) the defendant, in the course of committing the larceny, . . . possessed a dangerous weapon . . . . [First alteration in original.]

A gun is a dangerous weapon. *People v Parker*, 417 Mich 556, 565; 339 NW2d 455 (1983). " '[I]n the course of committing a larceny' includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the property." MCL 750.530(2). Therefore, a completed larceny is not required to prove armed robbery. *People v Williams*, 491 Mich 164, 166; 814 NW2d 270 (2012).

The trial court correctly denied defendant's motion for a judgment of acquittal because the jury could have found that defendant attempted to take the cash by force before Nelson and Cornwell were shot. Defendant did not take the bag of cash until after the men were shot, but

[1] MCL 750.529 was amended by 2021 PA 313, effective March 29, 2021. That amendment does not apply to this case because the offense occurred in 2018.

defendant did not have to complete the larceny or take the property contemporaneously with the use of force or assaultive conduct to be found guilty of armed robbery. *Williams*, 491 Mich at 166, 172.

Defendant argues that the jury acquitted him on the murder and AWIM charges on the basis of self-defense, and that whatever force he allegedly used in the course of committing the larceny was therefore justified and could not support a conviction of armed robbery. But the jury never indicated, through its verdict form or otherwise, whether it acquitted defendant on the murder and AWIM charges on the basis of self-defense or some other reason. Contrary to defendant's assertions, self-defense was not the only defense theory asserted at trial. The jury may have believed that the evidence was insufficient to convict defendant of those offenses, or it may have simply decided to be lenient. Defendant presents no evidence that the jury ever found that he was legally justified in using his firearm. His position, therefore, is merely speculative. But even if the jury did believe that defendant acted in self-defense when he shot Cornwell and Nelson, that finding would not preclude the armed-robbery convictions. The jury could have reasonably inferred that defendant used the firearm to attempt to rob the victims even before the shootings, or that defendant used it to put the victims in fear of additional shootings, allowing him to take the cash and escape. Under these circumstances, the trial court did not err when it denied defendant's motion for a judgment of acquittal because there was sufficient evidence to support the convictions.

C. INCONSISTENT VERDICTS

Defendant similarly argues that this Court must vacate his convictions because the jury's verdicts were inconsistent. We disagree.

Inconsistent verdicts occur when the jury's verdicts cannot be rationally reconciled. *People v Montague*, 338 Mich App 29, 51; 979 NW2d 406 (2021). But "[j]uries are not held to any rules of logic nor are they required to explain their decisions." *People v Vaughn*, 409 Mich 463, 466; 295 NW2d 354 (1980). Inherent in the jury's power to convict or acquit a defendant is its capacity for leniency. *Id*. If the jury's inconsistent verdict was the result of leniency, then "the defendant has no cause for complaint." *People v Lewis*, 415 Mich 443, 453; 330 NW2d 16 (1982). Therefore, "[i]nconsistent verdicts within a single jury trial are permissible, and do not require reversal absent a showing of confusion by the jury, a misunderstanding of the instructions, or impermissible compromises." *Montague*, 338 Mich App at 51. The defendant bears the burden to prove that reversal is required; he may not merely rely on the fact of the inconsistency itself. *Id*.

As a preliminary matter, we note the limitations of the self-defense doctrine as applied to armed robbery. MCL 780.972(1) and (2) require that, in order to rely on self-defense involving the use of force, the defendant must not be engaged in the commission of a crime at the time he uses the force. This means that statutory self-defense is not an available defense to armed robbery, because armed robbery necessarily requires the commission of acts in the course of committing a larceny. MCL 750.529; MCL 750.530. But the Self-Defense Act does not diminish a person's right to use force in self-defense as provided at common law. MCL 780.974. Under the common law, the mere fact that the defendant was committing a crime at the time of the offense does not necessarily bar a claim of self-defense. *People v Townes*, 391 Mich 578, 593; 218 NW2d 136

(1974). Instead, the defendant may claim common-law self-defense if "his own aggressive acts did not precipitate the conflict" or if his use of nondeadly force is met with deadly force. *People v Johnson*, 75 Mich App 337, 343, 343 n 3; 254 NW2d 667 (1977). Armed robbery requires the *possession* of a dangerous weapon, but it does not require the use of force. MCL 750.529; MCL 750.530.[2] Therefore, the common-law self-defense doctrine may be a viable defense against a charge of armed robbery.

Defendant argues that the jury either mistakenly acquitted him of the murder and AWIM charges on the basis of self-defense or mistakenly convicted him of the armed robberies for the same act of self-defense. Again, defendant assumes without any supporting evidence that the acquittal was based on self-defense in the first place. It is possible that the jury believed that defendant orchestrated an armed robbery under the pretense of a marijuana sale but that he did not intend to kill Cornwell and Nelson, and that it decided to be lenient on the murder charges. But even if the jury accepted the self-defense theory, its allegedly inconsistent verdicts would not require reversal.

Defendant has not shown that the alleged inconsistency was the result of the jury's confusion, misunderstanding of the instructions, or impermissible compromises. There is nothing in the record to suggest that the jury could not agree on the verdicts on all counts and instead compromised to find defendant guilty of only the armed robberies and the associated felony-firearm offenses. We note that the trial court initially instructed the jury that "[i]f a person acts in lawful self-defense, that person's actions are justified and he is not guilty of homicide murder first degree, premeditated," but it later corrected its instruction and informed the jury that "[i]f a person acts in lawful self-defense, the person's actions are justified and he is not guilty of homicide murder first degree, premeditated, second degree murder, felony murder, voluntary manslaughter, assault with intent to murder, armed robbery and felony firearm." Defendant argues that the jury must have been confused or misunderstood these instructions and applied the initial instruction while ignoring the corrected version. But "[j]urors are presumed to follow their instructions," *People v Mahone*, 294 Mich App 208, 212; 816 NW2d 436 (2011), and defendant has not established any evidence of confusion or misunderstanding other than the mere fact that the jury returned allegedly inconsistent verdicts despite the instructions. See *Montague*, 338 Mich App at 51 ("The defendant may not merely rely on the alleged inconsistency itself to support such an argument.").

Because there was no showing of confusion, misunderstanding of instructions, or impermissible compromise, the trial court did not err when it denied defendant's request for a new trial based on the allegedly inconsistent verdicts.

III. EXPERT-WITNESS TESTIMONY

[2] Although the use of force can establish an element of an armed robbery conviction, that element can be satisfied in alternate ways. See MCL 750.530 (requiring that the defendant "uses force or violence" or "*assaults or puts the person in fear*") (emphasis added).

Defendant next argues that the trial court erred when it ruled that he could not offer expert testimony from Dr. Jeffrey Wendt regarding the effect of defendant's subsequently diagnosed posttraumatic stress disorder (PTSD) on his frame of mind during the shooting. We disagree.

A trial court's decision whether to admit evidence is reviewed for an abuse of discretion. *People v Lowrey*, 342 Mich App 99, 108; 993 NW2d 62 (2022). However, any preliminary legal questions regarding the admissibility of evidence are reviewed de novo. *Id*. A trial court abuses its discretion when the court makes an error of law or its decision "falls outside the range of reasonable and principled outcomes." *People v Christian*, 510 Mich 52, 75; 987 NW2d 29 (2022) (quotation marks and citation omitted). But even if the court abused its discretion by excluding certain evidence, "reversal is only required if the error was prejudicial." *People v Mateo*, 452 Mich 203, 215; 551 NW2d 891 (1996).

In this case, defendant included Dr. Wendt as a PTSD expert on his witness list and provided the trial court with Dr. Wendt's letter discussing the results of defendant's psychological evaluation. The letter opined that defendant suffered from PTSD after becoming the victim of a carjacking in 2013, and that if Cornwell or Nelson were the initial aggressors as defendant claimed, then the stress from that incident "would have resulted in a brief dissociative state in which [defendant] had a decreased or absent awareness of his surroundings or his behavior. In a dissociative state of panic, a person suffering from a PTSD flashback can experience impaired perception in the form of perceiving danger to a greater degree than the circumstance dictates."

Defendant's position in the trial court was that Dr. Wendt's testimony could be admitted (1) to establish that he did not intend to kill Nelson or Cornwell and was merely having an extreme reaction to the circumstances because of his PTSD, or (2) to strengthen his self-defense theory on the basis that his PTSD caused him to reasonably fear imminent death or great bodily harm even if the circumstances would not ordinarily compel that response in a person without PTSD. Defendant acknowledges that the first purpose is a diminished-capacity defense that is not permitted under the law.[3] That is because, after the Legislature enacted a new comprehensive statutory scheme involving defenses based on mental illness or mental disability, the Supreme Court in *People v Carpenter*, 464 Mich 223, 236, 241; 627 NW2d 276 (2001), held that the defense of diminished capacity was no longer viable in Michigan. In other words, evidence of mental and psychological deficiencies may properly be excluded if offered to negate the intent element of an offense. *Id*. at 240-241. Defendant argues that "the time has come for appellate courts to revisit *Carpenter*." However, we are bound by our Supreme Court precedent, see *People v Metamora Water Serv, Inc*, 276 Mich App 376, 387-388; 741 NW2d 61 (2007), and *Carpenter* compels the conclusion that Dr. Wendt's testimony was inadmissible for that purpose.

Defendant also errantly relies on language from *People v Yost*, 483 Mich 856, 857 (2009) (MARKMAN, J., concurring), without acknowledging that the language is from a nonbinding concurrence to an order denying leave to appeal. To the extent *Yost* is relevant, we are instead

[3] As for the second purpose, any alleged error in excluding the expert testimony is harmless with respect to the murder and AWIM charges because defendant was acquitted of those offenses. When defendant argued for the testimony to be admitted at his trial, he did not express any intention to present a self-defense theory with respect to the armed-robbery charges.

obliged to follow this Court's binding opinion, which our Supreme Court left undisturbed. In *People v Yost*, 278 Mich App 341, 355; 749 NW2d 753 (2008), lv den 483 Mich 856 (2009), this Court clarified that although *Carpenter* allowed the exclusion of evidence offered to negate the intent element of an offense, evidence of a defendant's limited mental capacity might still be admissible "if offered for a relevant purpose other than to negate the specific intent element of the charged crimes." For example, when the prosecutor in *Yost* offered statements that the defendant made after the victim's death as evidence of her consciousness of guilt, the defendant was allowed to offer evidence of her limited education and intellectual capabilities "to place defendant's statements in context so that the jury could fully and fairly determine whether defendant's statements and actions were truly indicative of a guilty conscience or were merely misinterpreted by the listeners." *Id*. at 357.

Focusing now on the armed-robbery convictions, defendant argues that the evidence of his PTSD symptoms should have been admitted to prove that he could not have formed the intent to steal from Nelson or Cornwell at the moment that force was used. Again, *Carpenter* precludes this diminished-capacity defense. Defendant claims that the testimony could have helped the jury to understand his "reactive survival response," but he does not articulate how that was relevant to his armed-robbery or felony-firearm convictions aside from negating the intent element. Therefore, he has not shown a permissible purpose for the evidence under *Yost*. He also has not shown how the exclusion of that evidence was prejudicial to his defense, especially considering that the trial court allowed defendant to discuss his PTSD and the carjacking incident as mitigating circumstances at the sentencing phase. Without an admissible purpose for the evidence or a prejudicial effect from its exclusion, the trial court did not abuse its discretion when it refused to admit the testimony.

IV. SENTENCING

Defendant argues that he is entitled to be resentenced because the trial court relied on acquitted conduct at sentencing and abused its discretion when it sentenced him above the applicable guidelines. We disagree.

A. STANDARD OF REVIEW

This Court reviews a trial court's sentencing decision for an abuse of discretion. *People v Steanhouse*, 500 Mich 453, 476; 902 NW2d 327 (2017). The court abuses its discretion when it imposes an unreasonable sentence, i.e., when it fails to follow the principle of proportionality or fails to offer adequate reasons to support the extent of its departure from the sentencing guidelines. *Id*.

B. OFFENSE VARIABLES

In *People v Beck*, 504 Mich 605, 626-627; 939 NW2d 213 (2019), our Supreme Court held that sentencing a defendant on the basis of acquitted conduct violates his right to due process:

> When a jury has made no findings (as with uncharged conduct, for example), no constitutional impediment prevents a sentencing court from punishing the defendant as if he engaged in that conduct using a preponderance-of-the-evidence standard. But when a jury has specifically determined that the prosecution has not

> proven beyond a reasonable doubt that a defendant engaged in certain conduct, the defendant continues to be presumed innocent. To allow the trial court to use at sentencing an essential element of a greater offense as an aggravating factor, when the presumption of innocence was not, at trial, overcome as to this element, is fundamentally inconsistent with the presumption of innocence itself. [Quotation marks and citation omitted.]

A trial court may still review a presentence investigation report (PSIR) that contains information about acquitted conduct without violating *Beck*, as long as the court does not rely on the acquitted conduct when sentencing the defendant. *People v Stokes*, 333 Mich App 304, 311-312; 963 NW2d 643 (2020).

According to defendant, the trial court scored the sentencing guidelines relying on acquitted conduct. First, defendant argues that offense variable (OV) 1 was improperly scored at 15 points. MCL 777.31(1)(c) provides that OV 1 should be scored at 15 points if "[a] firearm was pointed at or toward a victim." Contrary to defendant's assertion, he was not acquitted of this conduct. Pointing a gun at a person is not an essential element of first-degree premeditated murder, felony murder, or AWIM, so his acquittal of those crimes was not a finding that he did not point a gun at Cornwell and Nelson. In fact, if the jury did acquit defendant on the basis of self-defense, then it would have found that defendant *did* point a gun at them. The trial court did not abuse its discretion when it scored OV 1.

Defendant also argues that the trial court improperly scored OV 4 at 10 points after hearing statements from Cornwell's mother about Cornwell's treatment for the PTSD, anxiety, and panic attacks that he suffered after the shooting and armed robbery. MCL 777.34(1)(a) provides that OV 4 is scored at 10 points if "[s]erious psychological injury requiring professional treatment occurred to a victim." Psychological injury is not an essential element of the acquitted crimes, so the existence of the injury itself is not acquitted conduct. It would be speculative and futile to guess the extent to which Cornwell's psychological injuries were attributable to the shooting as opposed to the armed robbery. But MCL 777.34(1) does not require that the convicted conduct be the sole or primary cause of the injury. The trial court did not abuse its discretion when it scored OV 4 because a preponderance of the evidence suggested that the armed robberies at least somewhat contributed to Cornwell's psychological injuries.

Defendant also argues that the trial court considered acquitted conduct when it scored OV 9 at 10 points. MCL 777.39(1)(c) states that OV 9 is scored at 10 points if "[t]here were 2 to 9 victims who were placed in danger of physical injury or death." Although Nelson's death and Cornwell's physical injuries were caused by the shooting, there is no evidence that the trial court relied on acquitted conduct when it scored OV 9. The court merely stated that the score "closely reflect[ed] the two counts of Armed Robbery that were convicted here," agreeing with the prosecutor's position that the use of force or putting the victims in fear, combined with the possession of a firearm, were sufficient to establish that the victims were placed in danger. The trial court did not abuse its discretion with respect to OV 9.

C. PROPORTIONALITY

Defendant further argues that the trial court's sentences of 180 to 360 months' imprisonment for the armed-robbery convictions were disproportionate. We disagree.

The sentencing guidelines are merely advisory, and a sentence exceeding the guidelines need only be reasonable. *People v Walden*, 319 Mich App 344, 351; 901 NW2d 142 (2017). However, the court must justify the above-guidelines sentence on the record by explaining "why the sentence imposed is more proportionate to the offense and the offender than a different sentence would have been." *People v Dixon-Bey*, 321 Mich App 490, 525; 909 NW2d 458 (2017) (quotation marks and citation omitted). Factors that the trial court may consider include "(1) the seriousness of the offense; (2) factors that were inadequately considered by the guidelines; and (3) factors not considered by the guidelines . . . ." *Walden*, 319 Mich App at 353-353 (quotation marks and citation omitted). If the trial court's reasons for exceeding the guidelines are unclear, then this Court may not substitute its own judgment to justify the departure. *Dixon-Bey*, 321 Mich App at 529.

In this case, the trial court sentenced defendant to 180 to 360 months' imprisonment, which exceeded the guidelines range of 81 to 135 months. During the sentencing hearing, the prosecutor argued that the trial court should exceed the guidelines because of three factors that were not included in the guidelines: (1) defendant decided to flee the scene, where two individuals were shot multiple times; (2) he did not go to the police to explain that he shot the victims in self-defense or otherwise take responsibility; and (3) he went on a spending spree and purchased several luxury goods shortly after the robbery. The prosecutor also noted defendant's lack of remorse. The trial court agreed with the prosecutor's argument, finding that there were factors present in this case that were not properly reflected in the sentencing guidelines:

> At this point and time, the Court is going to find . . . that the behavior of [defendant] in this case, of being in a situation where no aid was rendered; being in a situation where police were not called; and being in a situation where an opportunity to execute an armed robbery presented itself, and the defendant took advantage of that.
>
> That is particularly troubling for this Court, and . . . it is not easy to determine what is necessary to protect the community from an individual who would exercise that type of predation.

Defendant argues that the trial court's sentence was disproportionate because the trial court relied on a victim-impact statement that Cornwell's mother delivered at the sentencing hearing, which included a graphic description of Cornwell's medical treatment and emphasized his lengthy and painful recovery. Defendant again relies on *Beck*, 504 Mich at 626-627, contending that *Beck* prohibited the trial court from relying on the victim-impact statement's reference to acquitted conduct, i.e., the shooting. But "[i]n the absence of evidence presented by a defendant demonstrating that a sentencing court actually relied on acquitted conduct when sentencing the defendant, the defendant is not entitled to resentencing." *People v Beesley*, 337 Mich App 50, 63; 972 NW2d 294 (2021) (quotation marks and citation omitted; alteration in original). The trial court expressly acknowledged *Beck* and was careful not to cite the shootings as reasons for

exceeding the guidelines. Defendant presents no evidence to support his allegation that the trial court relied on acquitted conduct.

"Furthermore, *Beck* does not preclude all consideration of the entire res gestae of an acquitted offense." *Id*. at 62 (quotation marks, citation, and emphasis omitted). Without attributing the shooting to defendant, the trial court found that defendant failed to render aid to the critically injured victims or to alert the police. Instead, he took advantage of the opportunity to commit the sentencing offenses and flaunted the fruits of his crimes with conspicuous spending. These findings relate to the overall res gestae of the offenses without relying on acquitted conduct. They were also circumstances that the guidelines did not consider, increasing the "seriousness of the offense" beyond what the minimum sentencing recommendation had contemplated. See *Dixon-Bey*, 321 Mich App at 525.

The trial court also considered circumstances surrounding the offender himself. It described defendant as a predator and noted that even though he clearly had love and support from his parents (who made a statement at sentencing) and close contacts, he had "deviat[ed] from their teachings." It also addressed defendant's potential for rehabilitation, noting that even with the longer sentence, defendant still had "an opportunity to redeem [him]self," and the court's sentence would give him "a lot of time to figure that out." It is clear that the trial court believed that defendant's strong social-support system could assist in his rehabilitation while incarcerated.

The trial court properly explained how the circumstances of the offense and the offender justified imposing a sentence in excess of the recommended guidelines range, and in doing so, the court did not rely on acquitted conduct. It did not abuse its discretion when sentencing defendant because its sentence was reasonable.

V. CONCLUSION

The trial court did not err when it denied defendant's motion for a judgment of acquittal or a new trial because there was sufficient evidence to support the armed-robbery and felony-firearm convictions, and the jury did not return inconsistent verdicts under circumstances that would require reversal. The trial court also did not abuse its discretion when it refused to admit expert-witness testimony about defendant's PTSD, nor did it abuse its discretion when imposing an above-guidelines sentence.

Affirmed.

/s/ Mark T. Boonstra
/s/ Michael F. Gadola
/s/ Thomas C. Cameron