

# Court of Appeals, State of Michigan

## ORDER

People of MI v George Curtis Holliman

Docket No. 270506

LC No. 05-011928-01

E. Thomas Fitzgerald  
Presiding Judge

David H. Sawyer

Peter D. O'Connell  
Judges

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The Court orders that the June 26, 2007, opinion is hereby AMENDED. The opinion contained the following clerical error:

“The trial court found that defendant intended to kill the victim, but also found that the evidence was insufficient to support a finding that defendant premeditated and deliberated the act, so the court acquitted defendant of first-degree murder and convicted him of first-degree murder.”

The sentence is AMENDED to read:

“The trial court found that defendant intended to kill the victim, but also found that the evidence was insufficient to support a finding that defendant premeditated and deliberated the act, so the court acquitted defendant of first-degree murder and convicted him of second-degree murder.”

In all other respects, the June 26, 2007, opinion ~~remains~~ unchanged.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 18 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE CURTIS HOLLIMAN,

Defendant-Appellant.

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UNPUBLISHED

June 26, 2007

No. 270506

Wayne Circuit Court

LC No. 05-011928-01

Before: Fitzgerald, P.J., and Sawyer and O’Connell, JJ.

PER CURIAM.

Defendant appeals as of right from his sentence of 40 to 90 years in prison imposed on his conviction of second-degree murder, MCL 750.317. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with first-degree murder, MCL 750.316, in the stabbing death of his wife, Jennifer Holliman. The evidence showed that defendant brutally stabbed the victim numerous times and that the victim attempted to flee from defendant. The evidence also indicated that the victim’s children, ages two, three, and four, were in the house at the time, and that the victim’s four-year-old daughter witnessed part of the attack. The trial court found that defendant intended to kill the victim, but also found that the evidence was insufficient to support a finding that defendant premeditated and deliberated the act, so the court acquitted defendant of first-degree murder and convicted him of first-degree murder.

The statutory sentencing guidelines, adjusted for defendant’s status as a second habitual offender, MCL 769.10, recommended a minimum term range of 180 to 375 months (15 years to 31 years, 3 months). The trial court sentenced defendant to 40 to 90 years in prison, with credit for 262 days. Therefore, the minimum term imposed by the trial court exceeded the guidelines by 105 months, or 8 years, 9 months.

Defendant argues that the trial court erred in exceeding the sentencing guidelines without first articulating its substantial and compelling reasons for its departure and its analysis of whether the imposed sentence was proportionate to defendant and his crime. We disagree. Before a trial court may depart from the sentencing guidelines, it must articulate on the record a substantial and compelling reason for exceeding the guidelines. To constitute a substantial and compelling reason, a reason must be objective and verifiable, must irresistibly grab the court’s attention, and must be of considerable worth in determining the appropriate sentence. If the trial

court states multiple reasons and only some of them are objective and verifiable, we must determine whether the trial court would have imposed the same sentence on the basis of the valid reasons alone. The determination of the existence of a factor for departing from the guidelines is reviewed for clear error, the determination that a factor is objective and verifiable is reviewed de novo, and the determination that objective and verifiable factors merited departure from the guidelines range is reviewed for an abuse of discretion. *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003).

Here, the trial court deviated from the guidelines on the basis of the three children present in the home at the time of the murder. Although generally stated, the trial court alluded to several objective and verifiable facts regarding the children's relationship to the offense that served to illuminate defendant's deep-seated callousness about the offense itself and its effects on the young children that knew him as their father. Defendant stabbed his wife sixty times with three different knives while the children were asleep in the home. When the oldest child awoke to her mother's screams, saw her mother's condition, and cried out herself, defendant put the child back in her bed and resumed the attack. Months later, the child cried hysterically at the sight of a knife that was being used to cut an apple for her. At age five, she was receiving psychological counseling. According to defendant, even though he found the youngest child fondling one of the bloodied murder weapons the day after the murder, and even though the middle child had physical handicaps that required special attention, he left the three young children alone with the body at the murder scene for twelve hours the next day. The trial court emphasized that the murder radically deprived the children of both their primary caretakers.

The trial court generally referred to the events and their fallout as the children's "nightmare," but this phrase sufficiently articulated the trial court's findings and reasoning. We agree with the trial court that the children's proximity and relationship to the murder, as well as its direct, immediate, and permanent effect on them, are objective and verifiable factors that keenly grab our attention. *Babcock, supra* at 257. To the extent that the trial court relied on any factor that was not objective and verifiable, defendant's entanglement of the children in the murder and the trial court's vocalized repulsion at defendant's conduct in their regard persuades us that the trial court would have imposed an identical sentence if only these objective and verifiable factors were considered. Therefore, we see no reason to vacate defendant's sentence. *Id.* at 260-261.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Peter D. O'Connell