

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ELMER A. WEEKS,

Defendant-Appellant.

UNPUBLISHED

April 19, 1996

No. 188974

LC No. 94-003480

Before: Griffin, P.J., and Smolenski, and L. P. Borrello,* JJ.

MEMORANDUM.

Defendant pleaded guilty to criminal sexual conduct in the third degree, MCL 750.520d(1)(a); MSA 28.788(4)(1)(a) [victim between thirteen and sixteen years of age.] Defendant was sentenced to ten to fifteen years' imprisonment. Defendant appeals as of right. We affirm.

On appeal, defendant argues that his sentence violates the principle of proportionality established in *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant's sentence is within the recommended guidelines' range. His sentence is therefore presumptively proportionate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 798 (1987); *People v Cutchall*, 200 Mich App 396, 410; 504 NW2d 666 (1993). Defendant has not offered circumstances sufficiently unusual to rebut this presumption.

Affirmed.

/s/ Richard Allen Griffin

/s/ Michael R. Smolenski

/s/ Leopold P. Borello