

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD WHITMAN,

Defendant-Appellant.

UNPUBLISHED

April 26, 1996

No. 186955

LC No. 94-000817-FC

Before: Taylor, P.J., and Fitzgerald and P.D. Houk,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded nolo contendere of third-degree criminal sexual conduct, MCL 750.520d; MSA 28.788(4), and was sentenced to a prison term of three to fifteen years. He appeals as of right, challenging only the proportionality of the sentence imposed. We affirm.

Defendant's sentence is within the minimum recommended guidelines' range and is proportionate to the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Clifford W. Taylor

/s/ E. Thomas Fitzgerald

/s/ Peter D. Houk

* Circuit judge, sitting on the Court of Appeals by assignment.