

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES RONALD SMITH,

Defendant-Appellant.

UNPUBLISHED

May 14, 1996

No. 180268

LC No. 94-002015-FC

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Defendant pleaded guilty to two counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), and was sentenced to concurrent terms of twenty-five to forty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant is not entitled to be resentenced on the ground that the trial court allegedly failed to consider rehabilitation as an objective at sentencing. *People v Stammer*, 179 Mich App 432, 437; 446 NW2d 312 (1989). The trial court's comments were not directed at rehabilitation as a goal for defendant's sentence, but rather whether the trial court had the authority to order the Department of Corrections to provide defendant with a specific course of treatment. The trial court correctly recognized that it could not order the Department of Corrections to provide treatment because it is within the Department of Corrections' exclusive authority to oversee the treatment and rehabilitation of prisoners. MCL 791.204; MSA 28.2274, MCL 791.264; MSA 28.2324, MCL 791.267; MSA 28.2327.

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.