

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PATRICK MICHAEL HOOVER

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 180287

LC No. 93-1245 FH

Before: O'Connell, P.J., and Hood and C.L. Horn, * JJ.

MEMORANDUM.

Defendant pleaded guilty to attempted third-degree criminal sexual conduct, MCL 750.520d(1)(b); MSA 28.788(4)(1)(b), and was sentenced to a term of imprisonment of three to five years. He now appeals as of right, and we affirm.

Defendant raises one issue on appeal, contending that the sentencing court incorrectly scored fifteen points for offense variable (OV) 25. OV 25 is to be scored fifteen points where the defendant commits three or more criminal acts contemporaneously with the offense for which he is being sentenced. *Michigan Sentencing Guidelines* (2d ed), p 46. Here, the presentence investigation report indicates that defendant admitted to conduct that would have supported three or more convictions in addition to the conviction for which he was sentenced. Defendant's involvement in a group sexual assault would have supported at least three convictions of first-degree criminal sexual conduct. MCL 750.520b; MSA 28.788(2). Therefore, because evidence supports the sentencing court's finding that defendant committed three or more contemporaneous criminal acts, we affirm the court's scoring of OV 25. *People v Piotrowski*, 211 Mich App 527, 529-530; 536 NW2d 293 (1995).

Affirmed.

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

/s/ Peter D. O'Connell
/s/ Maureen Pulte Reilly
/s/ Donald E. Shelton