

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD CLARK BLANKENSHIP,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 181583

LC No. 94-008061

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to attempted third-degree criminal sexual conduct, MCL 750.92; MSA 28.287 and MCL 750.520c(1)(a); MSA 28.788(3)(1)(a), and was ultimately sentenced to two to five years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

A review of the record shows that the sentencing court relied only upon evidence contained in the presentence report and did not rely upon unsubstantiated allegations by the prosecutor. The challenged scorings of Offense Variables 7 and 13 were based upon uncontroverted evidence in the presentence report, and were not erroneous. *People v Randolph Warner*, 190 Mich App 26; 475 NW2d 397 (1991).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

*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.

/s/ Glenn S. Allen, Jr.