

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL ALLEN DIMON,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 184686

LC No. 94-001466-FH

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

MEMORANDUM.

Defendant pleaded guilty to attempted third-degree criminal sexual conduct, MCL 750.92; MSA 28.287 and MCL 750.520d; MSA 28.788(4), and was sentenced to 3-1/3 to 5 years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

At sentencing, defendant was given an opportunity to withdraw the plea with knowledge that he could expect a sentence of 3-1/3 to 5 years' imprisonment, but he declined to do so. In view thereof, and having considered the plea and sentencing record, we reject defendant's claim that his sentence is disproportionate. *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993); *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

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.