

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MILLARD H. MCHENRY,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 185602

LC No. 94-132787-FC

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

MEMORANDUM.

Defendant pleaded guilty to second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a), and was sentenced to ten to fifteen 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).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). Although the trial court exceeded the recommended range of the sentencing guidelines, it provided sufficient reasons for doing so. *People v Houston*, 448 Mich 312, 320; 532 NW2d 508 (1995); *People v Stone*, 195 Mich App 600, 608; 491 NW2d 628 (1992). The guidelines did not adequately account for the seriousness of this offense because of the victim's young age, her relationship to defendant and the physical injuries to the victim. Moreover, in light of the plea bargain made in this case, the guidelines again did not reflect the seriousness of the actual offense committed. *People v Duprey*, 186 Mich App 313, 318; 463 NW2d 240 (1990). Because defendant's sentence does not violate the principle of proportionality, we need not reach defendant's remaining issue regarding whether resentencing should be before another judge.

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.