

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BOB JOE HARPER,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 186026

LC No. 94-051398-FH

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

MEMORANDUM.

Defendant pleaded guilty to third-degree criminal sexual conduct, MCL 750.520d(1)(a); MSA 28.788(4)(1)(a), and was sentenced to four 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).

The trial court did not abuse its discretion in scoring Offense Variable 5 at fifteen points. *People v Daniels*, 192 Mich App 658, 674; 482 NW2d 176 (1992). There was evidence in the lower court record that supported the court's scoring decision that defendant moved the victim into a bedroom away from her friend and blocked the door in order to commit this crime. *People v Hernandez*, 443 Mich 1, 16; 503 NW2d 629 (1993); *People v Piotrowski*, 211 Mich App 527, 529; 536 NW2d 293 (1995).

The trial court also did not abuse its discretion in scoring Offense Variable 6 as ten points. *Daniels, supra*. There was evidence in the presentence investigation report that defendant threatened to shoot both the victim and her friend if one of them did not have sexual intercourse with defendant.

*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.

Accordingly, there was evidence that more than one person was placed in danger. *Hernandez, supra*; *People v James Johnson*, 202 Mich App 281, 289; 508 NW2d 509 (1993).

Affirmed.

/s/ Thomas G. Kavanagh
/s/ Robert B. Burns
/s/ Glenn S. Allen, Jr.