

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT GERMAN,

Defendant-Appellant.

UNPUBLISHED

August 30, 1996

No. 174616

LC No. 93-009769

Before: Bandstra, P.J., Gribbs, and C.O. Grathwohl,* JJ.

MEMORANDUM.

Defendant pleaded guilty to two counts of first-degree criminal sexual conduct (CSC), MCL 750.520b; MSA 28.788(2), and one count of second-degree CSC, MCL 750.520c; MSA 28.788(3). He was sentenced concurrently to fifteen to forty years' imprisonment for the first-degree CSC and ten to fifteen years for the second-degree CSC. He now appeals as of right, and we affirm.

Defendant argues that the trial court erred in assessing fifty points for offense variable (OV) 12. We disagree. Our review of the record reveals that the facts in this case are virtually identical to the facts in *People v Raby*, ___ Mich App ___; ___ NW2d ___ (Docket No. 173809, issued 7/30/96). For the reasons stated in *Raby*, the evidence of prior penetrations was properly used to score OV 12, and the trial court did not err in assessing fifty points for OV 12.

We affirm.

/s/ Richard A. Bandstra

/s/ Roman S. Gribbs

/s/ Casper O. Grathwohl

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