

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD CHARLES MORRISON,

Defendant-Appellant.

UNPUBLISHED

September 24, 1996

No. 183911

LC Nos. 94-000190-FH;

94-000191-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded nolo contendere to two counts of third-degree criminal sexual conduct, MCL 750.520d(1)(a); MSA 28.788(4)(1)(a), and was sentenced to six to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Given the considerable plea bargain received by defendant and the fact that one of the victims was four years old at the time of the sexual contact, defendant has failed to rebut the presumptive proportionality of his sentence. *People v Piotrowski*, 211 Mich App 527; 536 NW2d 293 (1995); *People v Sharp*, 192 Mich App 501; 481 NW2d 773 (1992).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

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