

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MATTHEW MARK BLEVINS,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 187938

LC No. 94-018442-FC

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

MEMORANDUM.

Defendant pleaded *nolo contendere* to second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(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(E)(1)(b).

Defendant is not entitled to resentencing. In contrast to *People v McKernan*, 185 Mich App 780; 462 NW2d 843 (1990), relied on by defendant on appeal, there was support in the record for the sentencing court's conclusions. Although a hearing was held on purported inaccuracies contained in the presentence investigation report (PSIR), defendant did not take issue with the specific statements in the PSIR he now contends are erroneous and on which he concedes the court probably based its comments. Thus, no error results from the court's consideration of the statements in the PSIR. *People v Fisher*, 442 Mich 560, 576-577; 503 NW2d 50 (1993); *People v Potrafka*, 140 Mich App 749, 751-752; 366 NW2d 35 (1985). Moreover, the material in the sketch book and the facts of the instant offense provide a basis for the court's reasonable conclusion that defendant has pedophilia—i.e., “sexual desire in an adult for a child.” *Random House Webster's College Dictionary* (1992).

Given the circumstances of the offense, defendant's six- to fifteen-year sentence is not disproportionate, but instead reflects the seriousness of the matter. *People v Houston*, 448 Mich 312,

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

320; 532 NW2d 508 (1995); *People v Merriweather*, 447 Mich 799, 808; 527 NW2d 460 (1994);
People v Milbourn, 435 Mich 630, 657, 661; 461 NW2d 1 (1990).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan