

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT DENNIS MCBRIDE,

Defendant-Appellant.

UNPUBLISHED

May 16, 1997

No. 190807

Genesee Circuit Court

LC No. 95-51952 FH

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

On this appeal of right from a bargained conviction of second-degree criminal sexual conduct (sexual contact with a person under 13 years of age) on plea of nolo contendere, defendant raises only sentencing issues.

The trial court correctly assigned ten points to Offense Variable 6, where a second child was present, and hence placed in danger of injury, during the sexual molestation for which defendant stands convicted. *People v Chesebro*, 206 Mich App 468; 522 NW2d 677 (1994). In any event, even if this were error, it would not furnish a cognizable basis for appellate relief. *People v Mitchell*, 454 Mich 145; ___ NW2d ___ (1997). Defendant's sentence does not violate the principle of proportionality, especially in light of the leniency accorded defendant by the plea agreement, the psychological injury inflicted upon the victims and defendant's failure to express remorse. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995); *People v Dixon*, 217 Mich App 400; 552 NW2d 663 (1996); *People v Austin*, 209 Mich App 564; 531 NW2d 811 (1995).

Affirmed.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

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