

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES RONALD JOHNSTON,

Defendant-Appellant.

UNPUBLISHED

June 6, 1997

No. 191177

Midland Circuit Court

LC No. 95-7661 FC

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Defendant appeals by right his guilty plea based conviction of first degree criminal sexual conduct and resulting ten to twenty-five year sentence. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sentence is at the lowest point of the guideline range. Where defendant forced his ten-year old stepdaughter to perform fellatio on him, and sexually molested other stepchildren, such facts, combined with defendant's status as a fourth offender, satisfy this Court that the sentence imposed is not disproportionate to the offense or the offender and does not represent an abuse of the trial court's sentencing discretion. *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994).

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald