

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS KEAN ABBOTT,

Defendant-Appellant.

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UNPUBLISHED

June 17, 1997

No. 195657

Clinton Circuit Court

LC No. 95-005980-FC

Before: Corrigan, P.J., and Michael J. Kelly and Hoekstra, JJ.

MEMORANDUM

Defendant appeals by right from his conviction by a plea of no contest to first-degree criminal sexual conduct (CSC I), MCL 750.520b; MSA 28.788(2), and his March 25, 1996, sentence to twenty to thirty years in prison with credit for 174 days served. After review of the record and the issues and arguments presented by defendant-appellant we affirm because we find no error requiring reversal.

As to defendant's claim of insufficient factual basis, we find sufficient factual support for his plea. See *People v Booth*, 414 Mich 643, 360; 324 NW2d 741 (1982); *People v Haack*, 396 Mich 367, 376-377; 240 NW2d 704 (1976). Defendant's claim of misscoring on Offense Variable (OV) 25 is precluded by the recent ruling in *People v Mitchell* \_\_\_ Mich \_\_\_; \_\_\_ NW2d \_\_\_ (Docket Nos. 98984 and 98985, dec'd 3/25/97), slip opinion at 33-34.

Defendant's sentencing issues are non-meritorious in light of *People v Kelly*, 213 Mich App 8, 15; 539 NW2d 538 (1995), and *People v Lemons*, \_\_\_ Mich \_\_\_; \_\_\_ NW2d \_\_\_ (Docket Nos. 103265, 103266, rel'd 5/6/97), slip opinion at 24-25.

Affirmed.

/s/ Maura D. Corrigan

/s/ Michael J. Kelly

/s/ Joel P. Hoekstra