

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TIMOTHY WADE PRESTON,

Defendant-Appellant.

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UNPUBLISHED

July 22, 1997

No. 189087

Muskegon Circuit Court

LC No. 94-036865-FH

Before: Gage, P.J., and McDonald and Fitzgerald, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to third-degree criminal sexual conduct, MCL 750.520d(1)(a); MSA 28.788(4)(1)(a), and was sentenced to ten to fifteen years' imprisonment. Defendant appeals his sentence as of right. We affirm.

Defendant argues that his sentence is disproportionate because it exceeds the sentencing guidelines. This argument has no merit. The sentencing guidelines do not have the force of law and are merely "vehicles to assist the trial judge regarding where a given defendant falls on the sentence continuum recognized in [*People v Milbourne*, 435 Mich 630; 461 NW2d 1 (1990)]." *People v Mitchell*, 454 Mich 145, 177; 560 NW2d 600 (1997). On postsentence review, guidelines departure is relevant solely for its bearing on the *Milbourne* claim that the sentence is disproportionate. *Id.* Defendant pressured two fifteen-year-old girls who were friends of his daughter and guests in his home into having sexual intercourse with him. Given these circumstances, we cannot say that the trial court abused its discretion in exceeding the guidelines and imposing a ten to fifteen year sentence on defendant, nor do we find that defendant's sentence is disproportionately severe given the seriousness of the matter. *Milbourn*, *supra* at 661.

Affirmed.

/s/ Hilda R. Gage

/s/ Gary R. McDonald

/s/ E. Thomas Fitzgerald