

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES GERARD PEPLINSKI,

Defendant-Appellant.

UNPUBLISHED

February 13, 1998

No. 197323

Leelanau Circuit Court

LC No. 95-000803 FH

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals by right his four to fifteen year sentence, based on his guilty plea, for one count of second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3). Defendant contends that his sentence is disproportionate to the offense and the offender. We affirm.

Defendant's sentence is within the guideline range and is therefore presumptively proportionate. *People v Eberhardt*, 205 Mich App 587, 591; 518 NW2d 511 (1994). Defendant presented no extraordinary circumstances to the sentencing court to overcome this presumption, *id.*, and *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992), and the sentence imposed is proportionate to the perversity of the act perpetrated and the offender, *People v Lemons*, 454 Mich 234, 260; 562 NW2d 447 (1997).

Affirmed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski