

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PHILIP NEAL MASON,

Defendant-Appellant.

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UNPUBLISHED

April 26, 1996

No. 183471

LC No. 94-012628

Before: Griffin, P.J., and Smolenski and L. P. Borrello,\* JJ.

MEMORANDUM.

Pursuant to a plea of no contest, defendant was convicted of criminal sexual conduct in the first degree, MCL 750.520b(1)(b); MSA 28.788(2)(1)(b) (victim at least thirteen, less than sixteen and a member of the same household as defendant). Defendant was sentenced to eight to twenty years' imprisonment. Defendant appeals as of right. We affirm.

Defendant's sole argument on appeal is that his sentence violates the principle of proportionality established in *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant's sentence is within the recommended guidelines' range. His sentence is therefore presumptively proportionate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 798 (1987); *People v Cutchall*, 200 Mich App 396, 410; 504 NW2d 666 (1993). Defendant has not offered circumstances sufficiently unusual to rebut this presumption.

Affirmed.

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

/s/ Richard Allen Griffin  
/s/ Michael R. Smolenski  
/s/ Leopold P. Borrello