

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KELLY DUANE LITTLE,

Defendant-Appellant.

UNPUBLISHED

December 27, 1996

No. 181462

LC No. 93-3220-FC

Before: Markey, P.J., and Michael J. Kelly and M.J. Talbot,* JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of misdemeanor stalking, MCL 750.411h; MSA 28.643(8). Defendant was sentenced to five years of probation, which included six months in jail. Defendant appeals as of right. We affirm.

We have reviewed the record and the issues and argument presented by appellant. We find no error and affirm.

The defendant's conviction for misdemeanor stalking is not void as against the great weight of the evidence because a rational trier of fact could find that the five elements of misdemeanor stalking were proven beyond a reasonable doubt. Defendant did not receive ineffective assistance of counsel because there is no showing that his case was prejudiced based on lack of preparation. In *People v White*, 212 Mich App 298 (1995) this Court found that the stalking statute provides fair notice of the prohibitive conduct. Defendant's sentence of five years probation does not violate any principle of proportionality.

Affirmed

/s/ Jane E. Markey

/s/ Michael J. Kelly

/s/ Michael R. Talbot

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

