

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DOUGLAS WINTON SMITH,

Defendant-Appellant.

UNPUBLISHED

July 27, 1999

No. 212453

Macomb Circuit Court

LC No. 98-000524 FH

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals by right his sentence for child sexually abusive commercial activity, MCL 750.145c(2); MSA 28.342a(2), entered pursuant to a no contest plea. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was sentenced to nine to twenty years of imprisonment, pursuant to a plea agreement. Defendant acknowledged that under the sentence bargain, he would receive a minimum sentence of nine years in state prison. Defendant did not move to withdraw his plea, and he has waived a challenge to the proportionality of his sentence. *People v Ward*, 206 Mich App 38, 43-44; 520 NW2d 363 (1994). Where defendant was convicted of six other sexual felony offenses in other proceedings, there is no basis for finding his sentence disproportionate, even if he had preserved this issue.

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette

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