

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEMMA ROY BREEDING,

Defendant-Appellant.

UNPUBLISHED

August 16, 1996

No. 181974

LC No. 94-000435-FC

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3), and misdemeanor indecent exposure, MCL 750.335a; MSA 28.567(1). In exchange for defendant's pleas, the prosecutor agreed to dismiss an habitual offender charge. Defendant was sentenced to fifteen to forty years' imprisonment for the CSC I conviction, five to fifteen years' imprisonment for the CSC II conviction and ninety days' imprisonment for the indecent exposure conviction. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant has waived the right to challenge the proportionality of the fifteen-year sentence imposed on his CSC I conviction. *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

/s/ Glenn S. Allen, Jr.