

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRYAN KEITH PERRY, a/k/a  
BRIAN KEITH PERRY,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 188713

LC No. 95-000563-FC

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Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.\*

MEMORANDUM.

Defendant pleaded nolo contendere to second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a), and was sentenced to six to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's minimum sentence is within the guidelines' range and so is presumptively proportionate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987); *People v Dukes*, 189 Mich App 262, 266; 471 NW2d 651 (1991). Defendant has not presented any unusual circumstances to rebut that presumption. *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992). Given the benefits bestowed upon defendant by the plea agreement and the circumstances of the offense, we find that the sentencing court did not abuse its discretion when it imposed a six-year minimum sentence. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Additionally, defendant's sentence does not violate the prohibition against cruel and unusual punishment. *People v Williams (After Remand)*, 198 Mich App 537, 543; 499 NW2d 404 (1993).

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

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan