

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEONARD BROOKS, IV, a/k/a JAMES ADAMS,

Defendant-Appellant.

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UNPUBLISHED

April 4, 1997

No. 191115

Genesee Circuit Court

LC No. 94-051355-FC

Before: D.F. Walsh,\* P.J., and R.P. Griffin\*\* and W.P. Cynar,\* JJ.

MEMORANDUM.

Defendant pleaded guilty to first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), and unarmed robbery, MCL 750.530; MSA 28.798. For those respective convictions, he was sentenced to twenty-five to fifty years' imprisonment and eight 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 has failed to demonstrate that his sentences are disproportionate or otherwise invalid. *In re Dana Jenkins*, 438 Mich 364, 369 n 3; 475 NW2d 279 (1991). Defendant was not denied his right to allocution. MCR 6.425(D)(2)(c); *People v Westbrook*, 188 Mich App 615; 470 NW2d 495 (1991). Further, the trial court's comments and conduct during the sentencing proceeding do not establish that the sentencing decision was the result of bias or unfairness. The language of punishment need not be tepid. *People v Antoine*, 194 Mich App 189; 486 NW2d 92 (1992). Finally, because defendant was sentenced in accordance with the plea agreement and did not seek plea withdrawal below, he may not challenge the proportionality of the sentence for the CSC I conviction. *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993); *People v Blount*, 197 Mich App 174; 494 NW2d 892 (1992).

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\*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

\*\*Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar