

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS J. SHINN,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 193223

Kent Circuit Court

LC No. 95-002376-FC

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

MEMORANDUM.

Defendant pleaded guilty to third-degree criminal sexual conduct, MCL 750.520d(1); MSA 28.788(4)(1), and second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a). He was sentenced to concurrent terms of ten to fifteen years' imprisonment for each conviction, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's minimum sentences are within the recommended range of the sentencing guidelines and, consequently, are 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 failed to present any unusual circumstances to rebut the presumption. *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992). On the record before us, we find that the sentencing court did not abuse its discretion when it imposed the ten-year minimum terms, particularly in light of the leniency afforded by the terms of the plea agreement and the on-going nature of the sexual molestation. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

*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