

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HENRY DEASES SOSA,

Defendant-Appellant.

UNPUBLISHED

May 9, 1997

No. 189199

St. Clair Circuit Court

LC No. 95-000043-FH

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to third-degree criminal sexual conduct, MCL 750.520d; MSA 28.788(4), and was sentenced to five 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).

The trial court did not abuse its discretion in denying defendant's motion to withdraw his guilty plea prior to sentencing. MCR 6.310(B); *People v Spencer*, 192 Mich App 146, 150-151; 480 NW2d 308 (1991); *People v Holmes*, 181 Mich App 488, 496; 449 NW2d 917 (1989).

The trial court did not abuse its discretion in denying defendant's motion for resentencing. *People v Hoffman*, 205 Mich App 1, 24; 518 NW2d 817 (1994); *People v Daniels*, 192 Mich App 658, 674; 482 NW2d 176 (1992). A sentencing court may consider all record evidence before it when calculating the guidelines, including, but not limited to, the contents of the presentence investigation report, admissions made by the defendant during the plea proceeding, and testimony taken at the

*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.

preliminary examination or at trial. *People v Ratkov (After Remand)*, 201 Mich App 123, 125; 505 NW2d 886 (1993).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar