

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENNETH ALLEN RHINEHART,

Defendant-Appellant.

UNPUBLISHED

May 13, 1997

No. 193654

Chippewa Circuit Court

LC No. 90-5473-FH

ON REHEARING

Before: Taylor, P.J., and McDonald and C. J. Sindt*, JJ.

PER CURIAM.

Defendant pleaded guilty of taking another person hostage while a prisoner, MCL 750.349a; MSA 28.581(1). Defendant was sentenced on July 21, 1992, to parolable life to be served consecutively to a nonparolable life sentence he was serving for a 1973 felony-murder conviction. In an earlier appeal, this Court affirmed defendant's conviction but remanded for resentencing because the trial court relied upon inaccurate information when it sentenced defendant. Unpublished per curiam opinion issued August 11, 1995, Docket No. 155117. The trial court imposed an identical consecutive¹ parolable life sentence at the resentencing on March 5, 1996. Defendant appealed his resentencing as of right. We affirmed in an unpublished per curiam opinion issued on March 14, 1997. Defendant has moved for rehearing because our most recent opinion discussed an issue that he been granted permission to withdraw. Defendant is correct that our most recent opinion inadvertently discussed an issue that we had granted him permission to withdraw. We grant rehearing solely for the purpose of issuing an opinion that does not discuss the issue defendant withdrew. We affirm again.

The sole issue on appeal is defendant's claim that his consecutive parolable life sentence was disproportionate. Initially, this issue is arguably moot because defendant is already serving a nonparolable life sentence. See *People v Turner*, 213 Mich App 558, 584; 540 NW2d 728 (1995). In any event, we disagree with defendant's claim. A sentence must reflect the seriousness of the matter. *People v Houston*, 448 Mich 312, 320; 532 NW2d 508 (1995). There are no sentencing guidelines for the instant conviction. Here, defendant, while serving a nonparolable life sentence, held a female prison employee hostage for several hours, holding scissors to her neck, threatening to kill her, tied her

* Circuit judge, sitting on the Court of Appeals by assignment.

hands and sexually molested her. Under such circumstances, we find that the sentence imposed reflected the seriousness of the matter and was proportionate to the offense and the offender. *Id.*; *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Clifford W. Taylor
/s/ Gary R. McDonald
/s/ Conrad J. Sindt

¹ The sentence was required to be consecutive pursuant to MCL 768.7a(1); MSA 28.1030(1).