

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD ALFORD CLARK,

Defendant-Appellant.

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UNPUBLISHED

May 25, 1999

No. 208385

Livingston Circuit Court

LC No. 96-009630 FH

Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

MEMORANDUM.

Although originally charged with four counts of first-degree criminal sexual conduct, MCL 750.520b(1)(b); MSA 28.788(2)(1)(b), defendant pleaded nolo contendere pursuant to a plea agreement to four counts of second-degree criminal sexual conduct, MCL 750.520c(1)(b); MSA 28.788(3)(1)(b). He was sentenced to four concurrent terms of ten to fifteen years' imprisonment. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The "key test" of proportionality is not whether the sentence imposed departs from or adheres to the sentencing guidelines recommended range, but whether the sentence reflects the seriousness of the matter. *People v Houston*, 448 Mich 312, 320; 532 NW2d 508 (1995). Here, the sentences were proportionate to the seriousness of the circumstances surrounding the offense and offender. *Id.* at 319; *People v Milbourn*, 435 Mich 630; 636; 461 NW2d 1 (1990).

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald