

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK MARIO VETTESE,

Defendant-Appellant.

UNPUBLISHED

July 20, 1999

No. 209295

Manistee Circuit Court

LC No. 97-002793 FC

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals by right his plea based conviction for first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a). We affirm.

On appeal, defendant argues that his sentence of sixteen to thirty-two years of imprisonment, although within the sentencing guidelines range, is disproportionate and thus an abuse of discretion. We disagree.

A sentence within the guidelines recommendation is presumed to be proportionate. *People v Broden*, 428 Mich 343; 408 NW2d 789 (1987); *People v Daniel*, 207 Mich App 47, 54; 523 NW2d 830 (1994). A defendant must present unusual circumstances to overcome the presumption of proportionality. *People v Hogan*, 225 Mich App 431, 437; 571 NW2d 737 (1997).

Defendant argues that the nature of his offense is not the most severe conduct punished by the statute. This does not constitute an unusual circumstance which would render the sentence disproportionate. *Daniel, supra*. The trial court specifically noted that defendant's conduct was not the most egregious for the offense charged, and imposed a sentence well within the guidelines range of eight to twenty years. Given defendant's extensive criminal record, there is no showing that his sentence was disproportionate.

Affirmed.

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

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette