

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CORNELL GUICE,

Defendant-Appellant.

UNPUBLISHED

July 30, 1999

No. 203688

Recorder's Court

LC No. 96-007618

Before: Kelly, P.J., and Jansen and White, JJ.

MEMORANDUM.

Defendant appeals as of right from his jury trial convictions for three counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), two counts of second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a), and distributing obscene matter to a minor¹, MCL 722.675; MSA 25.254(5). Defendant was sentenced to twenty to thirty years in prison for each of the first-degree criminal sexual conduct convictions, and ten to fifteen years for each of the second-degree criminal sexual conduct convictions, the sentences to run concurrently. We affirm.

Defendant argues he should be resentenced because the sentencing information report states that defendant's guidelines range is 240 to 360 months. We disagree. Defendant correctly asserts that the guidelines range stated on the sentencing information report was erroneous. However, the record reveals that after errors in the sentencing information report were corrected at the sentencing hearing, defense counsel informed the trial court that the correct guidelines range for defendant was 180 to 360 months, or life, and not 240 to 360 months. It appears as though the trial court forgot to change the guidelines range on the sentencing information report. Therefore, although the guidelines range listed on the sentencing information report is erroneous, resentencing is not required because the trial court was aware of the correct guidelines range when it sentenced defendant.

Defendant also argues that his sentence is disproportionate and highly excessive. We disagree. To preserve for appellate review a claim that a sentence within the guidelines range is disproportionate, unusual circumstances must be presented to the sentencing judge in open court, or the issue is waived. *People v Sharp*, 192 Mich App 501, 505; 481 NW2d 773 (1992). Because defendant presented no

unusual circumstances to the trial court, this issue is waived. Further, we do not regard the reasons advanced by defendant as unusual circumstances rendering his sentence disproportionate.

Affirmed.

/s/ Michael J. Kelly

/s/ Kathleen Jansen

/s/ Helene N. White

¹ The trial court did not sentence defendant for this offense.