

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD PAUL STEVENS,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 227076

Calhoun Circuit Court

LC No. 98-001628-FC

Before: Bandstra, C.J., and Fitzgerald and D. B. Leiber*, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted his guilty plea based conviction on two counts of second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that the court erroneously sentenced him for third-degree criminal sexual conduct rather than second-degree. While the court stated during sentencing that defendant was being sentenced on third-degree criminal sexual conduct charges, this appears to be a mistake. At other times during sentencing, the court referred to second-degree criminal sexual conduct convictions. The judgment of sentence properly noted that defendant was sentenced on two counts of second-degree criminal sexual conduct. A court speaks through its orders, and not its oral statements from the bench. *Michigamme Oil Co v Huron Valley Building & Savings Assn*, 280 Mich 12, 14; 273 NW 329 (1937); *People v Osteen*, 46 Mich App 409, 417; 208 NW2d 198 (1973). Defendant was sentenced on the proper charges.

While defense counsel made several objections to other matters included in the presentence investigation report and even explicitly addressed the scope of the no-contact recommendations, counsel chose not to voice any objection to the no-contact recommendation recommended by the probation agent and the sentencing court. Therefore, defendant has forfeited any objection he has to including these recommendations on the judgment of sentence.

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

To hold otherwise would allow defendant to harbor error as an appellate parachute. See, e.g., *People v Barclay*, 208 Mich App 670, 673; 528 NW2d 842 (1995).

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Dennis B. Leiber