

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee,

v

DARREN MICHAEL KLIMEK,

Defendant-Appellant.

UNPUBLISHED

March 4, 1997

No. 184328

Macomb Circuit

LC No. 94-001673-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded guilty to second-degree criminal sexual conduct, MCL 750.520c(1)(f); MSA 28.788(3)(1)(f), and was sentenced to four to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's claim that his sentence is disproportionate has not been preserved for appellate review because he was sentenced in accordance with his modified plea agreement. *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993). Defendant's claim that the sentencing guidelines were incorrectly scored is moot in light of our resolution of the preceding issue. See *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.