

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HENRY E. GRIM,

Defendant-Appellant.

UNPUBLISHED

August 22, 1997

No. 195247

Oakland Circuit Court

LC No. 88-088982-FH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Defendant appeals by right his 14½ to 22½ year enhanced sentence as a second felony offender, based on an underlying offense of second-degree criminal sexual conduct involving an eight-year-old stepdaughter, after resentencing was ordered by this Court in Docket No. 173144. This case is being decided without oral argument pursuant to MCR 7.214(E).

Since resentencing was previously directed by this Court, the legal principles applicable to appellate review of habitual offender sentencing have significantly changed. First, the sentence guidelines are completely irrelevant for all purposes whatsoever. *People v Edgett*, 220 Mich App 686; 560 NW2d 360 (1996). Second, habitual offender sentences are reviewed solely for abuse of the trial court's sentencing discretion. *People v Hansford* (After Remand), 454 Mich 320; 562 NW2d 460 (1997).

Here, in imposing sentence at resentencing, the trial judge noted that defendant had been sexually abusing this victim for nearly four years. The presentence report reflects that the charges against defendant were reduced from first- to second-degree criminal sexual conduct only because the victim, when called to testify at preliminary examination, was so traumatized when asked to relate instances of sexual penetration that the prosecution was forced to fall back on allegations of sexual contact. No abuse of sentencing discretion is apparent on this record.

Affirmed.

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

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ Edward A. Quinnell