

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE WILLIAM HAYDEN,

Defendant-Appellant.

UNPUBLISHED

December 19, 1997

No. 196744

Jackson Circuit Court

LC No. 96-074628 FH

Before: O'Connell, P.J., and White and C. F. Youngblood*, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction of first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), involving his nine-year-old daughter, and adjudication as a third offender, MCL 769.11; 28.1083, resulting in an enhanced sentence of twenty to forty years' imprisonment. This case is being decided without oral argument pursuant to MCR 7.214(E).

The sole issue raised on appeal is a contention by defendant that his sentence represents an abuse of the trial court's sentencing discretion. Habitual offender sentences are reviewed according to that standard. *People v Hansford (After Remand)*, 454 Mich 320; 562 NW2d 460 (1997). As this is defendant's second conviction of a capital crime (his first being conviction for armed robbery), and the present offense, according to the trial evidence, was merely one in a series of sexual predations against the child that extended over a period of four or five years, the sentence imposed is certainly not excessively severe and does not represent, an abuse of the trial court's sentencing discretion. *People v Lemons*, 454 Mich 234; 562 NW2d 447 (1997).

Affirmed.

/s/ Peter D. O'Connell

/s/ Helene N. White

/s/ Carole F. Youngblood

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

