

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RODERICK ANDRE McGUIRE,

Defendant-Appellant.

UNPUBLISHED

February 6, 1998

No. 196661

Grand Traverse Circuit Court

LC No. 96-006988 FH

Before: Gage, P.J., and Murphy and Reilly, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction of fourth degree criminal sexual conduct, MCL 750.520e; MSA 28.788(5), contending that his sentence of 16 to 24 months' imprisonment is disproportionate to the offense and the offender. Defendant notes that the sentence guideline range was calculated at 0 to 12 months on the minimum.

Aside from an armed robbery conviction that appears to have been vacated, and the charges eventually dismissed, after appeal, defendant's prior criminal record consists of larceny in a building and two convictions for delivery of cocaine. The facts of the offense involve defendant accosting a minor female who was babysitting a neighbor's children, requiring her to set down an infant she was holding in her arms so he could forcibly sexually molest her. Given defendant's criminal record and the circumstances of the offense, it cannot be said that "no reasonable sentencer" would have found the situation so aggravating as to be outside the guideline range. *People v Merriweather*, 447 Mich 799, 807; 527 NW2d 460 (1994).

Affirmed.

/s/ Hilda R. Gage

/s/ William B. Murphy

/s/ Maureen Pulte Reilly