

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD D. MABIN,

Defendant-Appellant.

UNPUBLISHED

February 10, 1998

No. 191983

Oakland Circuit Court

LC No. 95-137475 FC

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of two counts of assault with intent to commit great bodily harm, MCL 750.84; MSA 28.279, as well as felony-firearm, MCL 750.227b; MSA 28.424(2), involving a single victim. On this appeal of right, he contends that conviction of two counts of assault with intent to commit great bodily harm where there is only one victim violates double jeopardy principles. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The facts of this case are that defendant assaulted the victim, she extricated herself from his grasp and separated herself from defendant by locking herself inside and him outside a residence, and that she was then assaulted a second time when she attempted to distance herself from the situation by leaving the residence through the back door. There were two separate assaults and accordingly two convictions do not violate defendant's double jeopardy rights. *People v Lugo*, 214 Mich App 699, 708; 542 NW2d 921 (1995). The situation is similar to criminal sexual conduct, in which multiple penetrations of a single victim may each provide the basis for a separate conviction. *People v Rogers*, 142 Mich App 88, 91; 368 NW2d 900 (1985).

Affirmed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski