

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES CALVIN HUDSON, JR.,

Defendant-Appellant.

UNPUBLISHED

January 28, 1997

No. 187835

Recorder's Court

LC No. 94-008501-FC

Before: Cavanagh, P.J., and Gage and D.A. Burress,* JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to two counts of first-degree criminal sexual conduct, MCL 750.520b(1)(b)(i); MSA 28.788(2)(1)(b)(i), and was sentenced to concurrent terms of ten to fifteen years' imprisonment. He appeals as of right. We affirm.

Defendant argues that he was deprived of due process by the trial court's refusal to grant his motion for resentencing. We disagree. The trial court did not err in denying defendant's motion for resentencing. The court complied with MCR 6.425(D)(2)(c), since defendant's wife declined the opportunity to address the court on behalf of her daughter. In addition, a defendant may not seek to have a valid sentence set aside on the ground that a victim was not provided with rights set forth in the Crime Victim's Rights Act, MCL 780.774; MSA 28.1287(774); *People v Pfeiffer*, 207 Mich App 151, 155-157; 523 NW2d 640 (1994). Moreover, defendant was not denied the effective assistance of counsel. See *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994). Finally, defendant failed to establish that the prosecutor intentionally misrepresented Mrs. Hudson's recommendation concerning the length of the sentence.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Hilda Gage

/s/ Daniel A. Burress

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

