

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JUAN LEE JORDAN,

Defendant-Appellant.

UNPUBLISHED

May 13, 1997

No. 193374

Ingham Circuit Court

LC No. 95-68822 FC

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

The trial court satisfied the articulation requirement by referring to defendant's criminal history, defendant's rehabilitative potential, and society's need for protection from defendant. *People v Coles*, 417 Mich 523; 339 NW 2d 440 (1983), overruled on other grounds *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant has failed to overcome the presumption that a sentence within the guidelines is proportionate to the offense and the offender. *People v Albert*, 207 Mich App 73; 523 NW2d 825 (1994); *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994).

The trial court's failure to respond to defendant's challenge to the accuracy of the presentence investigation report does not entitle defendant to resentencing because the asserted inaccuracy had no determinative effect on defendant's sentences. *People v Daniels*, 192 Mich App 658; 482 NW2d 176 (1992); *People v Mitchell*, 454 Mich 145; ___ NW2d ___ (1997).

Finally, defendant was not deprived of due process when the trial court discussed defendant's situation with another judge in the circuit before imposing sentence on defendant, especially in light of the trial court's disclosure at sentencing of the content of the conversation. See *People v Mills*, 145 Mich App 126; 377 NW2d 361 (1985); MCJC 3.A(4)(c).

Affirmed.

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

/s/ Maura D. Corrigan
/s/ Robert P. Young, Jr.
/s/ Michael J. Talbot