

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALE MARTIN,

Defendant-Appellant.

UNPUBLISHED

November 4, 1997

No. 191129

Monroe Circuit Court

LC No. 94-026396 FH

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

Defendant pleaded guilty to aggravated stalking, MCL 750.411i; MSA 28.643(9), and was sentenced to serve ten years probation, with one year to be served in the county jail. The statute under which defendant was sentenced, MCL 750.411i(4); MSA 28.643(9)(4), allows for probation for any term not less than five years. Defendant subsequently pleaded guilty to violating the terms of his probation and was sentenced to serve three to five years in prison. He appeals as of right. We remand.

Defendant correctly points out that he is entitled to sentence credit for any good-time credit he received from the county sheriff under MCL 51.282(2); MSA 5.883(2)(2). *People v Resler*, 210 Mich App 24; 532 NW2d 907 (1995). The record is insufficient, however, to allow us to determine whether the sentence credit given to defendant included any good-time credits earned by him. Accordingly, we remand this matter to the trial court for a determination of whether defendant is entitled to an additional twenty days of sentence credit. If the trial court determines that defendant is indeed entitled to additional sentence credit, the court shall amend the judgment of sentence to reflect the proper amount of sentence credit to which defendant is entitled and forward a copy of the amended judgment of sentence to the Department of Corrections.

The trial court properly rejected defendant's challenge to the contents of a letter submitted by the victim for the court's consideration in fashioning an appropriate judicial response to defendant's criminal conduct. The victim has a statutory right under the Crime Victim's Rights Act, MCL 780.751 *et seq.*; MSA 28.1287(751) *et seq.*, to submit such a written statement. MCL 780.764; MSA

28.1287(764); *People v Kisielewicz*, 156 Mich App 724, 728-729; 402 NW2d 497 (1986); Const 1963, art 1, § 24(1).

Remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Roman S. Gibbs