

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARIO A. MOORE,

Defendant-Appellant.

UNPUBLISHED

October 2, 1998

No. 200543

Genesee Circuit Court

LC No. 92-047427 FC

Before: Whitbeck, P.J., and McDonald and T. G. Hicks*, JJ.

MEMORANDUM.

Defendant appeals by right from his resentencing to six to fifteen years' imprisonment for involuntary manslaughter, MCL 750.321; MSA 28.533. We affirm.

Defendant pleaded guilty to involuntary manslaughter, and was initially sentenced to 7-1/2 to 15 years' imprisonment. This Court remanded for resentencing before a different judge, based on the impermissible consideration of information obtained in violation of defendant's right to remain silent. *People v Moore*, unpublished memorandum opinion, decided May 5, 1995 (Docket No. 162220). This Court also found that the court failed to strike certain portions of the presentence investigation report after agreeing to do so. On resentencing, the offending portions were to be stricken.

The trial court properly complied with this Court's directive in resentencing defendant. At resentencing, defense counsel agreed that the presentence report had been modified in accordance with this Court's direction. Any objections to the accuracy of the modified presentence report have not been preserved for appeal. MCR 6.429(C); *People v Bailey (On Remand)*, 218 Mich App 645, 647; 554 NW2d 391 (1996). The trial court did not improperly rely on stricken material in imposing sentence. The trial court did not agree to ignore defendant's juvenile record, and it was not required to do so where defendant was represented by counsel in the juvenile adjudication. See *People v Ristich*, 169 Mich App 754; 426 NW2d 801 (1988).

Affirmed.

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

/s/ William C. Whitbeck

/s/ Gary R. McDonald

/s/ Timothy G. Hicks