

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KHALID AKRAWI,

Defendant-Appellant.

UNPUBLISHED

July 27, 1999

No. 210660

Wayne Circuit Court

Criminal Division

LC No. 94-012116

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals as of right his plea based conviction for manslaughter, MCL 750.321; MSA 28.553. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court erred in denying his motion for resentencing. We disagree. Defendant asserts that the court failed to grant all the sentence credit due based on time served when charges were initially dismissed at the preliminary examination stage. After defendant moved for resentencing, the court awarded an additional eleven days of sentence credit. Defendant has failed to provide any evidence that he spent any more time in jail for which he did not receive credit. MCL 769.11b; MSA 28.1083(2).

Defendant also asserts that the trial court's failure to correct the sentencing guidelines range in the presentence report erroneously deprived him of the opportunity for special alternative incarceration. However, the court clearly rejected this sentencing option, and defendant is not eligible for the program. MCL 771.3b; MSA 28.1133(2). There is no showing that the trial court abused its discretion in rejecting alternative sentencing where defendant was involved in a crime that resulted in a death. The court found that it did not rely on any of the erroneous information in sentencing defendant. There is no basis for ordering a resentencing. *People v Mitchell*, 454 Mich 145; 560 NW2d 600 (1997).

Affirmed.

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

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette