

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAMUEL CRACANA,

Defendant-Appellant.

UNPUBLISHED

November 12, 1999

No. 208693

Oakland Circuit Court

LC No. 96-148575 FH

Before: Whitbeck, P.J., and Saad and Hoekstra, JJ.

PER CURIAM.

The jury convicted defendant of second-degree home invasion, MCL 750.110a(3); MSA 28.305(a)(3), and the court sentenced him to two years' probation. After finding that defendant violated his probation, the trial court sentenced him to 2 $\frac{1}{4}$ to 15 years' imprisonment. Defendant appeals as of right. We affirm.

Defendant says that the trial court's findings of fact were inadequate to support its determination that defendant violated his probation and that the prosecution presented insufficient evidence to establish a probation violation. We disagree. Factual findings are sufficient if it is manifest that the trial court was aware of the issues, correctly applied the law, and resolved the issues. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141-142; 526 NW2d 617 (1994); *People v Legg*, 197 Mich App 131, 134; 494 NW2d 797 (1992). When analyzing the sufficiency of the evidence, we must view the evidence in a light most favorable to the prosecution to determine if a rational trier of fact could find, by the preponderance of the evidence, that defendant violated his probation. *People v Reynolds*, 195 Mich App 182, 184; 489 NW2d 128 (1992).

Both of defendant's claims are predicated on the assumption that it was necessary to prove that defendant's termination from the boot camp program was justified. Such is not the case. Defendant's probation required that he complete boot camp. The evidence established that he was terminated from the program. Regardless of the reason for the termination, defendant failed to complete the program, which constituted a violation of probation. The trial court so found and the evidence supports that finding.

Next, defendant argues that the trial court erred by allowing personal bias to cloud its judgment during the evidentiary hearing. Because defendant failed to object to the trial court's alleged prejudicial conduct during the evidentiary hearing, this claim was not properly preserved. *People v Paquette*, 214 Mich App 336, 340; 543 NW2d 342 (1995). Absent an objection, this Court may review the matter if the failure to review results in manifest injustice. *Id.* We find that no manifest injustice will result from our declining to review this issue.

Finally, defendant contends that the trial court abused its discretion in sentencing defendant based on an outdated presentence report. Because defendant did not object at sentencing to the accuracy of the presentence report, he failed to preserve this issue for appellate review. MCR 6.429(C); *People v Bailey (On Remand)*, 218 Mich App 645, 647; 554 NW2d 391 (1996). To the extent defendant's argument on appeal challenges the proportionality of his sentence, we do not consider the issue because it was not set forth in his statement of questions presented on appeal. MCR 7.212(C)(5); *People v Price*, 214 Mich App 538, 548; 543 NW2d 49 (1995).

Affirmed.

/s/ William C. Whitbeck
/s/ Henry William Saad
/s/ Joel P. Hoekstra