

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM EDWARD ROBINETTE,

Defendant-Appellant.

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UNPUBLISHED

January 7, 2000

No. 210893

Macomb Circuit Court

LC Nos. 95-002941 FC;

95-003005 FC;

95-003006 FC

Before: White, P.J., and Markey and Wilder, JJ.

PER CURIAM.

Defendant appeals by delayed leave granted his plea-based convictions of three counts of child sexually abusive activity, MCL 750.145c; MSA 28.342a, ten counts of criminal sexual conduct in the first degree, MCL 750.520b; MSA 28.788(2), and three counts of felony prostitution and pandering, MCL 750.451; MSA 28.706; MCL 750.455; MSA 28.710. We affirm and remand for preparation of a corrected presentence report. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant pleaded guilty to charges contained in three separate files. In exchange for defendant's pleas, the prosecution agreed to a ten-year cap on the minimum terms.

On the date set for sentencing, defendant appeared with his counsel, William Buffalino, and another attorney, Dean Metry. Metry indicated that he intended to file an appearance, and requested an adjournment. Buffalino stated that defendant had discharged him. The court indicated that it intended to proceed, and adjourned the hearing to allow defendant an opportunity to discuss the presentence report with Buffalino. Defendant reviewed the report, but refused to discuss it with Buffalino. The court declined to allow Buffalino to withdraw. Defendant challenged the accuracy of information in the presentence report pertaining to the charges against him and to his prior record. The court sentenced defendant to sixteen concurrent terms of ten to twenty years in prison, with credit for seventy-two days.

On appeal, defendant argues that the trial court's failure to allow substitution of counsel at sentencing deprived him of his right to counsel. US Const, Am VI. We disagree. The decision to allow substitution of counsel is within the discretion of the trial court. *People v Mack*, 190 Mich App 7, 14; 475 NW2d 830 (1991). Defendant did not assert adequate cause to warrant the holding of a hearing. *People v Ginther*, 390 Mich 436, 441-442; 212 NW2d 922 (1973). A mere allegation of lack of confidence in an attorney does not constitute a showing of adequate cause. *People v Tucker*, 181 Mich App 246, 255; 448 NW2d 811 (1989). The trial court denied Buffalino's request to withdraw. Defendant was not deprived of his right to counsel. Defendant declined to review the presentence report with Buffalino. Error to which the aggrieved party contributed by plan or negligence cannot serve as the basis for appellate relief. *People v Griffin*, 235 Mich App 27, 45-46 ; 597 NW2d 176 (1999).

Next, defendant argues that he is entitled to resentencing on the ground that the trial court failed to respond to his objections to alleged untrue statements in the investigator's version portion of the presentence report. We disagree. A defendant is entitled to be sentenced on the basis of accurate information, *People v Lee*, 391 Mich 618, 639; 218 NW2d 655 (1974), and a sentencing court has the duty to respond to challenges to the accuracy of information in the presentence report. *People v Sutton*, 158 Mich App 755, 761; 405 NW2d 209 (1987). A description of the offense must be included in the presentence report. MCR 6.425(A)(2). When pleading guilty, defendant supplied a factual basis in which he acknowledged the acts described in the investigator's version portion of the report. No showing has been made that any allegedly untrue information influenced the trial court's sentencing decision. *People v Pierce*, 158 Mich App 113, 116-117; 404 NW2d 230 (1987).

Furthermore, defendant argues that he is entitled to resentencing because his attorney, Buffalino, was not afforded the opportunity for allocution as required by MCR 6.425(D)(2)(c). We disagree. A fair reading of the sentencing transcript shows that the court offered the opportunity for allocution to defendant, defendant's counsel, the prosecutor, and the victim who was present. That Buffalino declined to speak cannot serve as the basis for appellate relief. *Griffin, supra*.

During sentencing, defendant indicated that certain information in the presentence report pertaining to his prior record was inaccurate. The court accepted defendant's corrections and indicated that they would be incorporated into the report. Defendant is entitled to have a corrected report submitted to the Department of Corrections. MCL 771.14(5); MSA 28.1144(5). We remand for submission of a corrected report to the Department of Corrections.

Finally, we reject defendant's assertion that he is entitled to resentencing before a different judge. For the reasons stated above, resentencing is not warranted.

Affirmed and remanded for further proceedings in accordance with this opinion. We do not retain jurisdiction.

/s/ Helene N. White  
/s/ Jane E. Markey  
/s/ Kurtis T. Wilder

