

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LIONEL MASSENGALE,

Defendant-Appellant.

UNPUBLISHED

July 31, 2001

No. 224914

Wayne Circuit Court

LC No. 99-000156

Before: Wilder, P.J., and Hood and Griffin, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for possession of less than 25 grams of cocaine, MCL 333.7401(2)(a)(v). We affirm.

On appeal, defendant argues that his conviction should be overturned because he was never arraigned on the information. However, the lower court file indicates that defendant was arraigned in circuit court on either January 12 or January 13, 1999. The file also indicates that defendant waived a preliminary examination. The file identifies the defense attorney, assistant prosecuting attorney, court reporter, and court clerk. Where defendant failed to order the transcript to determine whether the arraignment was held, he has failed to preserve this issue for appeal. *Thomas v McGinnis*, 239 Mich App 636, 649; 609 NW2d 222 (2000).

Unless defendant waives arraignment or the court finds good cause for delay, the court must arraign defendant on the scheduled date. Unless defendant demonstrates actual prejudice, failure to hold the arraignment on the scheduled date is harmless error. MCR 6.113(A). There is no indication that defendant was prejudiced by any arraignment error. He did not raise this issue below. Nothing in the record shows that defendant was unaware of the nature of the charges against him. There is no showing that plain error affected defendant's substantial rights. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999).

Affirmed.

/s/ Kurtis T. Wilder

/s/ Harold Hood

/s/ Richard Allen Griffin