

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PATRICK KENNETH COLLISON,

Defendant-Appellant.

UNPUBLISHED

December 20, 2005

No. 257072

Saginaw Circuit Court

LC No. 01-020609-FH

Before: Hoekstra, P.J., and Neff and Davis, JJ.

PER CURIAM.

Defendant appeals by delayed leave granted the trial court's order denying his motion to correct his presentence investigation report. We affirm.

Defendant pleaded nolo contendere to, among other offenses, one count of conducting a criminal enterprise in violation of MCL 750.159i(1). In a post-sentencing motion to correct the presentence investigation report prepared in connection with that conviction, defendant asserted that the report incorrectly indicated an offense date of January 26, 2001, in violation of his right to have forwarded to the department of corrections an accurate presentence investigation report. However, noting that there was no dispute that "the last offense of those charged in the criminal enterprise count [occurred] on January 26, 2001," the trial court found the date indicated for that offense to be appropriate and, accordingly, denied defendant's motion. We find no error in the trial court's decision in this regard.

A trial court's response to a claim of inaccuracies in a defendant's presentence investigation report is reviewed for an abuse of discretion. *People v Spanke*, 254 Mich App 642, 648; 658 NW2d 504 (2003); see also *People v Norman*, 148 Mich App 273, 274-275; 384 NW2d 147 (1986) (a defendant has a right to have forwarded to the department of corrections an accurate presentence investigation report). Here, the record reflects that the pattern of activity comprising the criminal enterprise of which defendant was charged and ultimately convicted began on July 15, 1997 and continued through January 26, 2001. Thus, to the extent that the report at issue here indicates an offense date reflective of the entirety of the criminal enterprise in which defendant participated, it is accurate. Further, on review de novo, see *People v Maynor*, 470 Mich 289, 294; 683 NW2d 565 (2004), we find without merit defendant's argument that although he was charged and pleaded nolo contendere to conducting a criminal enterprise based on acts that began on July 15, 1997 and continued until January 26, 2001, his crime was complete for purposes of determining his offense date on January 18, 1998 because MCL

750.159f(c) defines the element of engaging in a “pattern of racketeering activity” as “not less than 2 incidents of racketeering” This definition sets a minimum threshold for purposes of establishing that element. That minimum threshold, however, does not limit the extent of any particular criminal enterprise under MCL 750.159i. Here, the record clearly supports a finding that defendant’s criminal enterprise was ongoing until January 26, 2001. Consequently, the trial court did not abuse its discretion in denying defendant’s motion.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Janet T. Neff

/s/ Alton T. Davis