

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CASSANDRA BRUCE,

Defendant-Appellant.

UNPUBLISHED

December 22, 2009

No. 289408

Genesee Circuit Court

LC No. 04-013936-FC

Before: K. F. Kelly, P.J., and Hoekstra and Whitbeck, JJ.

MEMORANDUM.

Defendant entered a plea of guilty to a charge of armed robbery, MCL 750.529, and was sentenced to 120 to 240 months in prison. In *People v Bruce*, unpublished order of the Court of Appeals, entered January 26, 2006 (Docket No. 265872), this Court denied defendant's application for leave to appeal. Our Supreme Court denied an application for leave on May 30, 2006. Defendant's subsequent motion to amend her presentence investigation report (PSIR) was denied. This Court granted defendant's pro per delayed application for leave to appeal this order. We now affirm the trial court's order.

Under the heading of "Family" in defendant's PSIR, it is noted that defendant's father left home when she was nine months old, was not involved in defendant's life, and had a criminal history. Defendant seeks to have this criminal history deleted from the PSIR. She acknowledges that it is accurate, but maintains it is irrelevant. Further, she claims that the information could have an adverse impact on determinations regarding her placement, security level, programming, and treatment while in prison, and on determinations relative to parole. She also states that she believes the information was used against her in sentencing, and that counsel did not show her this part of the PSIR before sentencing.

Defendant did not challenge the PSIR at sentencing. MCL 771.14(6) provides:

At the time of sentencing, either party may challenge, on the record, the accuracy or relevancy of any information contained in the presentence investigation report. The court may order an adjournment to permit the parties to prepare a challenge or a response to a challenge. If the court finds on the record that the challenged information is inaccurate or irrelevant, that finding shall be made a part of the record, the presentence investigation report shall be amended,

and the inaccurate or irrelevant information shall be stricken accordingly before the report is transmitted to the department of corrections.

See also MCR 6.425(E)(2). In *People v Sharp*, 192 Mich App 501, 504; 481 NW2d 773 (1992), this Court held that a challenge to the PSIR raised after sentencing was not preserved for review. Therefore, this Court could decline to address the issue. See *id.*

Defendant's concern that this information has been or will be used against her is unsubstantiated. We conclude that defendant is not entitled to the relief requested.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Joel P. Hoekstra
/s/ William C. Whitbeck