

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KELLY JOSEPH STRADER,

Defendant-Appellant.

UNPUBLISHED

July 1, 1997

No. 183972

Kent Circuit Court

LC Nos. 94-002006-FH

94-002169-FH

Before: Neff, P.J., and Smolenski and D. A. Roberson*, JJ.

PER CURIAM.

In lower court docket number 94-002006-FH, defendant pleaded guilty to uttering and publishing a forged check, MCL 750.249; MSA 28.446, and fourth-offense habitual offender, MCL 769.12; MSA 28.1084. In lower court docket number 94-002169-FH, defendant pleaded guilty to malicious destruction of police property, MCL 750.337b; MSA 28.609(2), and fourth-offense habitual offender, MCL 769.12; MSA 28.1084. Defendant was sentenced as an habitual offender to consecutive terms of four to fifteen years' imprisonment for the uttering and publishing conviction and one to fifteen years' imprisonment for the malicious destruction of police property conviction. Defendant appeals as of right. We affirm and remand.

The trial court erred in failing to strike from the presentence investigation report (PSI) information that the court specifically found to be both accurate (that defendant was a murder suspect) but irrelevant to defendant's sentencing. MCL 771.14(5); MSA 28.1144(5); see also MCR 6.425(D)(3). However, the error was harmless. *People v Fisher*, 442 Mich 560, 567, n 4; 502 NW2d 50 (1993); *People v Martinez (After Remand)*, 210 Mich App 199, 202-203; 532 NW2d 863 (1995). Resentencing is not required. *Martinez*, *supra* at 203. Thus, we affirm defendant's conviction and sentence. We remand only for the administrative task of striking the irrelevant information from the PSI and transmitting a corrected copy to the Department of Corrections. *Id.* We do not retain jurisdiction.

* Recorder's Court judge, sitting on the Court of Appeals by assignment.

Affirmed and remanded.

/s/ Janet T. Neff

/s/ Michael R. Smolenski

/s/ Dalton A. Roberson