

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GENE HUGHES,

Defendant-Appellant.

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UNPUBLISHED

January 9, 1998

No. 195686

Oakland Circuit Court

LC No. 94-136696 FC

Before: MacKenzie, P.J., and Hood and Hoekstra, JJ.

MEMORANDUM.

Defendant pleaded guilty to being a felon in possession of a firearm, MCL 750.224f; MSA 28.421(6), and received an enhanced sentence, as a third offender, MCL 769.11; MSA 28.1083, of three to ten years' imprisonment. In this appeal as of right, he contends that because no supplemental information charging him as an habitual offender was ever filed, and because he was never tried or convicted of such status, imposition of an enhanced sentence was error. We disagree and affirm.

Defendant has failed to note that MCL 769.13; MSA 28.1085 was amended by 1994 PA 110, effective May 1, 1994, to eliminate the need for the prosecution to seek an enhanced sentence by means of a supplemental information. All that is now required is the filing of a notice of intent to seek an enhanced sentence, and the adjudication may be informal, particularly in the absence of a challenge to the existence of such prior convictions. *People v Zinn*, 217 Mich App 340; 551 NW2d 704 (1996). Here, defendant's offense occurred on or about December 5, 1994, well after the effective date of the statutory amendment, which accordingly clearly applies to him. At sentencing, defendant did not challenge any aspect of his prior record [however, in violation of MCR 7.212(C)(6), defendant has failed to supply this Court with a copy of the presentence report, so the precise nature of that record is not established; the notice of intent listed prior California convictions for first- and second-degree robbery]. Enhancement of defendant's sentence was statutorily authorized and the procedures utilized were appropriate. We find no error.

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Harold Hood

/s/ Joel P. Hoekstra