

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

QUENTIN J. WADE,

Defendant-Appellant.

UNPUBLISHED

March 19, 1999

No. 202402

Oakland Circuit Court

LC No. 96-145969 FH

Before: MacKenzie, P.J., and Gribbs and Wilder, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of unarmed robbery, MCL 750.530; MSA 28.798, and sentenced to one to fifteen years' imprisonment. Defendant now appeals as of right. We affirm.

This case arises from an incident in which defendant came into possession of a cellular phone and pager belonging to the victim's mother. The victim testified that defendant took the items from his person while defendant's brother held the victim in a headlock. Defendant claimed that the items were given to him voluntarily as collateral for a loan on which the victim owed.

Defendant first argues that his conviction must be reversed because the trial court failed to instruct the jury on the lesser included offense of larceny from the person, MCL 750.357; MSA 28.589, and erroneously instructed the jury on receiving and concealing stolen property, MCL 750.535; MSA 28.803. However, because defendant did not request an instruction at trial on the lesser included offense of larceny from the person, or object to the instruction on receiving and concealing stolen property when given by the court, defendant's claim of instructional error has not been properly preserved for appellate review. Therefore, this Court will consider the issue only if the failure to do so would result in manifest injustice. *People v Van Dorsten*, 441 Mich 540, 544-545; 494 NW2d 737, after remand 202 Mich App 293; 507 NW2d 831 (1993). After a careful review of the record, we are not persuaded that a manifest injustice will occur if defendant's objections are not considered by this Court, and we decline to address the issue.

Next, defendant argues that he was improperly sentenced on inaccurate information contained in his presentence investigation report. At sentencing, defense counsel stated that the PSIR was factually accurate. In addition, although defense counsel noted disagreement with the opinion of a police officer stated in the report, this statement did not constitute an objection to the PSIR sufficient to preserve the claim of error. Therefore, because this issue was not properly raised before the sentencing court, it is not preserved for appellate review. MCR 6.429(C)(1); *People v Bailey*, 218 Mich App 645, 648; 554 NW2d 391 (1996).

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Roman S. Gibbs

/s/ Kurtis T. Wilder