

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARCUS J. FINLEY,

Defendant-Appellant.

UNPUBLISHED

November 26, 2002

No. 236340

Wayne Circuit Court

LC No. 00-013118

Before: Markey, P.J., and Saad and Smolenski, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial convictions for carrying a concealed weapon, MCL 750.227, felon in possession of a firearm, MCL 750.224f, and felony-firearm, MCL 750.224b. Defendant was sentenced to two years' imprisonment for the felony-firearm conviction, and 2 to 5 years' imprisonment for the remaining convictions. We affirm and remand for correction of the presentence report. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that his convictions for felon in possession of a firearm and felony-firearm violate the double jeopardy clause of the state and federal constitutions. This Court specifically rejected this argument in *People v Dillard*, 246 Mich App 163; 631 NW2d 755 (2001). The language of the felony-firearm statute shows that "the Legislature intended, with only narrow exceptions, that every felony committed by a person possessing a firearm result in a felony-firearm conviction." *Id.* at 167 (citations omitted). The felon in possession statute does not constitute one of the enumerated exceptions, and, therefore, defendant could be properly charged with both offenses. *Id.* at 167-168. Also, because the two statutes address different social norms, they are amenable to multiple punishments. *Id.* at 171.

Regarding defendant's second appeal issue, plaintiff has conceded that a remand is necessary for correction of the presentence report. MCL 771.14(5); MCR 6.425(D)(3); *People v Grove*, 455 Mich 439, 477; 566 NW2d 547 (1997). "When a sentencing court states that it will disregard information in a presentence report challenged as inaccurate, the defendant is entitled to have the information stricken from the report." *People v Britt*, 202 Mich App 714, 718; 509 NW2d 914 (1993).

Affirmed and remanded. We do not retain jurisdiction.

/s/ Jane E. Markey

/s/ Henry William Saad

/s/ Michael R. Smolenski