

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MATTHEW C. VANCENA,

Defendant-Appellant.

UNPUBLISHED

June 22, 2004

No. 246019

Wayne Circuit Court

LC No. 01-006499

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

Defendant was charged with three counts of third-degree criminal sexual conduct, MCL 750.520c(1)(a), and one count of fourth-degree criminal sexual conduct, MCL 750.520e(1)(a). Following a jury trial, defendant was convicted of one count of third-degree CSC and one count of fourth-degree CSC, for which he was sentenced to concurrent prison terms of 5½ to 15 years and one to two years, respectively. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the trial court erred in declining to rule on his motion for a bill of particulars regarding the dates of each offense. We disagree.

Defendant was charged with committing the offenses between November 1, 1997 to December 20, 1998. He brought a motion for greater specificity as to the date of each offense. However, he did not ask that the information be amended to allege a discrete, specific date for each offense but sought to restrict the proofs at trial to the dates specified by the complainant at the preliminary examination. When the court indicated that it was not sure it had authority to grant such a request, defendant asked for time to research the issue. The court agreed to let defendant research the issue and raise it again if his research indicated that the court's impression was incorrect. Defendant responded, "That would be fine." Because defendant approved of the manner in which the court handled his motion, he has waived any claim of error. *People v Carter*, 462 Mich 206, 219-220; 612 NW2d 144 (2000).

Affirmed.

/s/ Janet T. Neff

/s/ Brian K. Zahra

/s/ Christopher M. Murray