

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VIRGIL MITCHELL,

Defendant-Appellant.

UNPUBLISHED

July 22, 2004

No. 247130

Wayne Circuit Court

LC No. 01-005715

Before: Jansen, P.J., and Meter and Cooper, JJ.

METER, J. (*concurring in part and dissenting in part*).

I concur in all portions of the majority opinion except its disposition of the resentencing issue, on which I would deny relief.

Defendant failed to provide this Court with material portions of the lower court record, specifically the amended Sentencing Information Report and the Presentence Investigation Report. In order to properly preserve a sentencing issue such as herein, defendant must supply these relevant portions of the record. MCL 769.34(8); MCR 7.212(C)(7). Failure to provide the Court with the relevant record waives further review. *People v Callon*, 256 Mich App 312; 662 NW2d 501 (2003); see e.g., *People v Anderson*, 209 Mich App 527, 535; 531 NW2d 780 (1995). On this basis alone, I would deny defendant's request for resentencing.

I would affirm in all respects.

/s/ Patrick M. Meter