

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LUIS ANTONIO ACEVEDO CARINO,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 186333

LC No. 95-051838-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded guilty of manslaughter with a motor vehicle, MCL 750.321; MSA 28.553, and was sentenced to seven to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court was not required to strike a portion of the investigator's version from the presentence investigation report, MCR 6.425(D)(3). While defendant argued that his former girlfriend's version of this offense was not what really occurred, defendant only requested that the record reflect that he denied running his former girlfriend off the road. Defendant failed to cite any specific factual inaccuracies with the investigator's version. He also did not request that the trial court conduct an evidentiary hearing to decide which version was accurate. On these facts, the trial court was not required to delete portions of the presentence investigation report. *People v Lawrence*, 206 Mich App 378, 380; 522 NW2d 654 (1994); *People v Greene*, 116 Mich App 205, 210; 323 NW2d 337 (1982).

Defendant has also waived his objection to the court's consideration of facts related to a protective order from the state of Illinois. While defendant objected to the court considering information about a protective order at the time of sentencing when defense counsel did not have time to investigate the matter, defendant agreed to go ahead with sentencing apparently when the parties were able to

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

resolve this issue off the record. The trial court gave this information little, if any, weight in its sentencing decision and accepted defendant's statement that he had not received notice that a protective order was entered against him. Because defendant did not request that the court adjourn to investigate the matter, the issue is waived on appeal. *Lawrence, supra*, 206 Mich App 380; *People v Sharp*, 192 Mich App 501, 504-505; 481 NW2d 773 (1992).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan