

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES HENRY CARR,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 189414

LC No. 95-009706-FH

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

MEMORANDUM.

Defendant pleaded guilty to larceny in a building, MCL 750.360; MSA 28.592, and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was thereafter sentenced to three to six years' imprisonment, to be served consecutively to a sentence for which he was on parole. He now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

There is no record support for defendant's claim that the sentencing court considered inaccurate information contained in the presentence investigation report when fashioning his sentence. Instead, the record indicates that the court's comments were consistent with the admissions made on the record by defense counsel concerning the nature of defendant's criminal history.

There is also no record support for defendant's claim that the sentencing court sentenced him under the mistaken belief that he had been convicted as a fourth habitual offender. Instead, the record indicates that the judgment of sentence contained a typographical error that has since been cured by the entry of an amended judgment of sentence.

Finally, we decline appellate consideration of defendant's claim that the sentencing court erroneously considered counselless convictions when fashioning an appropriate sentence. Defendant

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

has abandoned this claim by failing to properly present the issue. *People v Kent*, 194 Mich App 206, 210; 486 NW2d 110 (1992).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan