

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RASHARD LAGRONE,

Defendant-Appellant.

UNPUBLISHED
February 14, 1997

No. 193823

Oakland Circuit Court
LC No. 94-133204-FH

Before: Hood, P.J., and Saad and T.S. Eveland,* JJ.

MEMORANDUM.

Defendant, who was placed on lifetime probation after entering a plea of guilty to possession with intent to deliver less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), entered a plea of guilty to violating probation by using cocaine and failing to pay his attorney fees. The trial court sentenced defendant to one to twenty years' imprisonment. He appeals as of right. We affirm.

On May 17, 1994, defendant pleaded guilty to possession with intent to deliver less than 50 grams of cocaine, and was placed on lifetime probation. On January 31, 1996, he pleaded guilty to violation of probation, and was immediately sentenced to one to twenty years' imprisonment. Defendant moved for resentencing, pursuant to MCR 6.425, arguing that no Presentence Investigation Report (PSIR) was prepared covering the period from December 4, 1994 to January 31, 1996. The trial court granted his motion. On July 29, 1996, an updated PSIR was prepared. On July 31, 1996, defendant was sentenced to one to twenty years' imprisonment, with credit for 273 days served.

Defendant now claims that he is entitled to resentencing because the updated PSIR specifically covered only the period from January 31, 1996 to July 31, 1996, and failed to cover the period from December 4, 1994 to January 31, 1996. We find defendant's argument devoid of merit.

* Circuit judge, sitting on the Court of Appeals by assignment.

We initially note that defendant has failed to provide this Court with the July 31, 1996, sentencing transcript. This alone justifies affirmance. *People v Coons*, 158 Mich App 735, 740; 405 NW2d 153 (1987). Furthermore, the updated PSIR begins with the date, August 12, 1994, and ends with the date, July 31, 1996. MCR 6.425 has no requirement that a PSIR take on a day-to-day reporting format. Moreover, because defendant's one-year minimum sentence is within the statutory minimum term for the underlying offense, his sentence is presumptively valid. *People v Arcos*, 206 Mich App 374, 377; 522 NW2d 655 (1994); *People v Williams*, 189 Mich App 400, 403-404; 473 NW2d 727 (1991). Defendant has failed to rebut that presumption.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Thomas S. Eveland