

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GREGORY JOHN PIASECKI,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 173546
Ottawa Circuit
LC No. 93-017129-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to felonious assault, MCL 750.82; MSA 28.277, resisting or obstructing a police officer, MCL 750.479; MSA 28.747, and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to enhanced terms of three to six years' imprisonment for the felonious assault conviction and two to three years' imprisonment for the resisting or obstructing a police officer conviction. He appeals as of right. We remand for resentencing. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant first argues that the sentencing court failed to recognize its discretion in determining the enhanced maximum terms of his sentences. In light of the court's remarks at the plea hearing and at the hearing on defendant's motion for resentencing, we agree. MCL 769.10; MSA 28.1082, *People v Green*, 205 Mich App 342, 345; 517 NW2d 782 (1994); *People v Mauch*, 23 Mich App 723; 179 NW2d 184 (1970). Although defendant has already been released on parole, because resentencing could affect the length of his parole, this issue is not moot. Defendant is entitled to resentencing on the maximum terms of his sentences only.

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

As to defendant's claim that inaccurate information contained in the presentence report should have been stricken by the trial court, we hold that defendant's failure to raise the alleged inaccuracies at sentencing¹ waives his right to challenge the information on appeal. *People v Sharp*, 192 Mich App 501, 504; 481 NW2d 773 (1992); *People v Maxson*, 163 Mich App 467, 472 n 1; 415 NW2d 247 (1987).

Remanded for resentencing on the maximum terms of defendant's sentences. We do not retain jurisdiction.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

¹ At sentencing, not only did defendant fail to raise the alleged inaccuracies contained in the presentence investigation report but defendant and defense counsel both affirmatively indicated that there were no known inaccuracies contained in the report. Defendant did not raise the alleged inaccuracies until almost fifteen months later at the hearing on his motion for resentencing.