

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HELEN J. LUSK,

Defendant-Appellant.

UNPUBLISHED

May 30, 1997

No. 185840

Kent Circuit Court

LC No. 94-003165 FH

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Defendant was convicted by jury of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and sentenced to three to ten years' imprisonment. Defendant appeals as of right. We vacate defendant's sentence and remand for resentencing.

Defendant is entitled to resentencing where sentence was imposed without benefit of a reasonably updated presentence investigation report. *People v Triplett*, 407 Mich 510; 287 NW2d 165 (1980); *People v Crook*, 123 Mich App 500; 333 NW2d 317 (1983). Accordingly, we vacate defendant's sentence and remand for the preparation of an updated presentence report and resentencing. We decline to address defendant's proportionality challenge, the challenge having been rendered moot by our remand for resentencing. *People v Stanley*, 207 Mich App 300; 523 NW2d 892 (1994).

Vacated in part and remanded. We retain no further jurisdiction.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald