

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SHELDON MATTHEW LUDMAN,

Defendant-Appellant.

UNPUBLISHED

February 6, 1998

No. 208485

Kalamazoo Circuit Court

LC No. 95-000252-FH

ON REMAND

Before: Markman, P.J., and Murphy and Hoekstra, JJ.

MEMORANDUM.

This case is on remand to us from the Michigan Supreme Court, ___ Mich ___; ___ NW2d ___ (1997), for reconsideration in light of *People v Grant*, 455 Mich 221; 565 NW2d 389 (1997). We now affirm defendant’s entire order of restitution.

We originally vacated the trial court’s order of restitution, including the amounts to the victim bank and victim cardholder, as well as the extradition expenses to the victim government, and remanded the matter for reconsideration because the record contained no evidence that the trial court considered the factors enumerated in MCL 780.767(1); MSA 28.1287(767)(1) before ordering restitution. In doing so, we relied on *People v Grant*, 210 Mich App 467, 471; 534 NW2d 149 (1995), as controlling precedent for the proposition that a trial judge must make an express determination regarding these factors. However, the Michigan Supreme Court reversed this Court’s decision in *Grant* and held that the trial judge had implicitly considered the factors. 455 Mich at 225. As our Supreme Court noted, “[a] judge is entitled to rely on the information in the presentence report, which is presumed to be accurate unless the defendant effectively challenges the accuracy of the factual information.” 455 Mich at 233-234. Here, because neither defendant nor his counsel ever explicitly asserted that defendant would be unable to pay restitution, the trial judge was not required to consider the factors on the record.

Affirmed.

/s/ Stephen J. Markman

/s/ William B. Murphy

/s/ Joel P. Hoekstra

