

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ELIJAH CURTIS SILAS,

Defendant-Appellant.

UNPUBLISHED

May 15, 1998

No. 188158

Jackson Circuit Court

LC No. 95-071052-FH

Before: Hoekstra, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right from the seven- to twenty-year term of imprisonment he received following his guilty plea conviction for delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). We affirm.

Defendant is not entitled to a new hearing regarding his motion for resentencing because he has not shown that he was denied the effective assistance of counsel due to his first appellate counsel's performance during his previous motion. *People v Reed*, 453 Mich 685, 694-695; 556 NW2d 858 (1996). Next, defendant waived any errors in the presentence investigation report by failing to object at sentencing. *People v Sharp*, 192 Mich App 501, 504; 481 NW2d 773 (1992). In any event, nothing in the record suggests that the trial court relied on defendant's recent arrest at sentencing, and defendant did not show that his prior convictions were obtained in violation of his right to counsel. *People v Carpentier*, 446 Mich 19, 29-30; 521 NW2d 195 (1994). Because we find that defendant is not entitled to a new hearing, we need not review his final issue that a new trial judge be appointed on remand.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kathleen Jansen

/s/ Hilda R. Gage