

## Court of Appeals, State of Michigan

### ORDER

People of MI v Kristopher Allen Wade

Docket No. 324677

LC No. 13-121067-FH

Peter D. O'Connell  
Presiding Judge

Jane E. Markey

Christopher M. Murray  
Judges

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The Court orders that the motion for reconsideration is GRANTED.

On reconsideration, we AFFIRM this Court's prior judgment issued on March 17, 2016, that affirmed the trial court's denial of defendant's motion for resentencing. A party may not expand the record on appeal. See *In re Harper*, 302 Mich App 349, 360 n 3; 839 NW2d 44 (2013); *People v Nix*, 301 Mich App 195, 203; 836 NW2d 224 (2013). In addition, even if we were to find that defendant's motion for resentencing was timely filed under the court rules, we would still conclude on the merits that the trial court did not abuse its discretion by denying the motion. See *People v Uphaus (On Remand)*, 278 Mich App 174, 181; 748 NW2d 899 (2008); *People v Spanke*, 254 Mich App 642, 648; 658 NW2d 504 (2003). The information that defendant belatedly sought to challenge in the presentence investigation report (PSIR) for the instant offense had appeared in a PSIR for an earlier offense and apparently had not been challenged. Under these circumstances, the trial court did not abuse its discretion by denying defendant's motion. *Uphaus (On Remand)*, 278 Mich App at 181.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 09 2016

Date

A handwritten signature in cursive script, reading "Jerome W. Zimmer Jr.", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk