Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JORDAN ROBERT LEE

Docket No. 371898

LC No. 21-000432-FH

Michael J. Kelly
Presiding Judge

Michael J. Riordan

Michelle M. Rick
Judges

The November 13, 2026 opinion is hereby AMENDED to correct a clerical error: In the caption of the opinion, defendant-appellant's first name is corrected to "Jordan."

In all other respects, the November 13, 2026 opinion remains unchanged.

Presiding Judge

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

November 19, 2026
Date

Chief Clerk

If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 13, 2026 11:53 AM
v	No. 371898 Ingham Circuit Court
JASON ROBERT LEE, Defendant-Appellant.	LC No. 21-000432-FH

Before: M. J. KELLY, P.J., and RIORDAN and RICK, JJ.

PER CURIAM.

Defendant appeals as of right his jury-trial convictions of three counts of second-degree criminal sexual conduct (CSC-II), MCL 750.520c(2)(b) (sexual contact with a victim under 13 years old by a defendant 17 years old or older), for which he was sentenced to three concurrent terms of 57 to 180 months in prison. We affirm the trial court in all material respects but, because defendant's presentence investigation report (PSIR) might incorrectly imply that the trial offenses involved the sexual abuse of two children, we also remand to that court for the ministerial task of amending his PSIR.

I. BACKGROUND

This case arose after defendant's former stepchild, I.C., told his grandfather that defendant had sexually abused him when he was three or four years old. I.C.'s older sister, G.C., previously had disclosed similar allegations in 2019 but denied those allegations during her forensic interview. However, after I.C.'s disclosure, investigators conducted another forensic interview with both children, in which both children disclosed that defendant had sexually abused them during the same time frame. Defendant initially was charged with abusing both children, but the charge involving G.C. was dismissed at the preliminary examination because G.C. denied that defendant had touched her.

Nonetheless, the prosecutor moved in limine to admit G.C.'s allegations against defendant, informing the trial court at the motion hearing that G.C. "now feels strong enough to be able to talk about what she wouldn't talk about at the preliminary exam." At the conclusion of the hearing, the trial court generally ruled that G.C.'s allegations were admissible under MCL 768.27a and the

factors set forth in *People v Watkins*, 491 Mich 450, 487-488; 818 NW2d 296 (2012), concerning admissibility under that statute.

At trial, I.C. discussed the instances of sexual abuse that formed the basis for the three CSC-II charges. I.C. indicated that the abuse occurred on at least four different occasions and that G.C. was present for some of the abuse. Although defendant only was charged with abusing I.C., the prosecutor's opening statement and closing argument both asserted that defendant also had sexually abused G.C. Additionally, the children's grandfather and the forensic interviewer both testified that G.C. had disclosed sexual-abuse allegations and had identified defendant as the perpetrator. However, when G.C. testified, she described a time when defendant placed his hand on her stomach but, unexpectedly, denied that he had ever touched her inappropriately.[1]

Defense counsel originally requested the jury instruction for evidence of other acts of child sexual abuse, M Crim JI 20.28a, because the prosecutor indicated that she planned to introduce G.C.'s allegations at trial. However, defense counsel ultimately asked the trial court to remove the other-acts instruction because G.C. denied that defendant had sexually abused her when she testified. The prosecutor indicated that no other-acts evidence was admitted at trial, and the trial court agreed to omit M Crim JI 20.28a. Ultimately, the jury convicted defendant of all three CSC-II charges.

Defendant subsequently moved for a new trial, arguing that the prosecutor committed error when she asserted during her opening statement and closing argument that defendant sexually abused G.C. Defendant also asserted that he was denied effective assistance of counsel. The trial court denied defendant's motion, ruling that the prosecutor did not commit error. The trial court also ruled that defendant was not denied the effective assistance of counsel and that defense counsel exercised valid trial strategy. This appeal followed.

II. MCL 768.27a

Defendant argues that the trial court erred when it ruled before trial that G.C.'s allegations against him were admissible under MCL 768.27a. We disagree.

"This Court reviews trial court determinations regarding the admissibility of evidence for an abuse of discretion." *People v Honeyman*, 215 Mich App 687, 696; 546 NW2d 719 (1996). "An abuse of discretion occurs when the court chooses an outcome that falls outside the range of reasonable and principled outcomes." *People v Mahone*, 294 Mich App 208, 212; 816 NW2d 436 (2011).

MCL 768.27a(1) provides that "in a criminal case in which the defendant is accused of committing a listed offense against a minor, evidence that the defendant committed another listed offense against a minor is admissible and may be considered for its bearing on any matter to which it is relevant."[2] "[W]hen applying MRE 403 to evidence admissible under MCL 768.27a, courts

[1] The prosecutor unsuccessfully tried to rehabilitate her testimony.

[2] Under MCL 768.27a(2)(a), "listed offense" includes CSC-II and other offenses contemplated by the Sex Offenders Registration Act, MCL 28.721 *et seq*. See MCL 28.722(i).

must weigh the propensity inference in favor of the evidence's probative value rather than its prejudicial effect." *Watkins*, 491 Mich at 487. Further, courts generally should consider the following factors when deciding whether evidence is admissible under MCL 768.27a notwithstanding MRE 403:

> (1) the dissimilarity between the other acts and the charged crime, (2) the temporal proximity of the other acts to the charged crime, (3) the infrequency of the other acts, (4) the presence of intervening acts, (5) the lack of reliability of the evidence supporting the occurrence of the other acts, and (6) the lack of need for evidence beyond the complainant's and the defendant's testimony. [*Id*. at 487-488.]

In this case, the trial court considered the *Watkins* factors and ruled that most of G.C.'s allegations were admissible, reasoning that "[t]here is not much dissimilarity" between the charged and uncharged acts, the acts "were in the same time frame," "[t]here were no intervening acts," and G.C.'s allegations were reliable because "it's not unusual for a minor child to delay in reporting, especially after being removed from the offending location and have a chance to establish a relationship in a safe environment."

We agree with this application of the *Watkins* factors. According to police reports and forensic interviews, G.C. alleged that when she was about five years old, defendant touched her inappropriately and, on apparently another occasion, "tried to put it in her privates and made her touch him." These allegations were similar to I.C.'s allegations of sexual abuse when he was a young child, and both I.C.'s and G.C.'s sexual abuse occurred within a few years of each other. Moreover, defendant has not identified any "intervening acts" and, as the trial court understood from experience, delayed disclosure is common in child sexual-abuse cases.[3] Further, G.C.'s allegations would be relevant in aiding the jury to decide whether I.C.'s allegations were true. Accordingly, the trial court did not err in its application of the *Watkins* factors or abuse its discretion by admitting G.C.'s allegations of sexual abuse under MCL 768.27a.

III. JURY INSTRUCTIONS

Defendant argues that the trial court erred when it complied with defense counsel's request to omit jury instructions regarding other-acts evidence, M Crim JI 20.28a. We disagree.

Criminal defendants have a right to a properly instructed jury. *People v Spaulding*, 332 Mich App 638, 653; 957 NW2d 843 (2020). "The trial court is required to instruct the jury concerning the law applicable to the case and fully and fairly present the case to the jury in an understandable manner." *Id*. (citation modified). However, "[t]he failure of the court to instruct on any point of law shall not be ground for setting aside the verdict of the jury unless such instruction is requested by the accused." MCL 768.29. Moreover, "[a] party's explicit and express approval of jury instructions as given waives any error and precludes appellate review." *Spaulding*, 332 Mich App at 653.

[3] Indeed, the forensic interviewer testified to this effect at trial.

In this case, defense counsel requested that the trial court omit the other-acts instruction because the "testimony from [G.C.] was that [defendant] touched her stomach…so [the other-acts instruction] would not apply and we ask that it'd be removed at this time." Therefore, appellate review of this issue is precluded because defendant explicitly waived any error when his attorney asked the trial court to omit instructions regarding other acts of child sexual abuse. See *id*.[4]

IV. PROSECUTORIAL ERROR

Defendant argues that the prosecutor committed error[5] by asserting, in her opening statement and closing argument, that defendant had sexually abused G.C. because this argument was inconsistent with G.C.'s trial testimony denying any sexual abuse. We disagree.

"To preserve a claim of prosecutorial misconduct, the defendant must make a timely and specific objection to the conduct at trial." *People v Clark*, 330 Mich App 392, 433; 948 NW2d 604 (2019). Defense counsel did not object to the alleged error in the prosecutor's opening statement or closing argument. However, defense counsel did raise this argument in his motion for a new trial. Although a party's motion for a new trial preserves a claim that the trial court erred when it denied the motion, it does not preserve an underlying claim that had to be preserved by a contemporaneous objection at trial. See *People v Abraham*, 256 Mich App 265, 274; 662 NW2d 836 (2003). Therefore, defendant failed to preserve his argument that the prosecutor committed error but preserved his claim that the trial court abused its discretion when it denied his motion for a new trial on the same grounds.

"Unpreserved claims of prosecutorial misconduct are reviewed for plain error affecting substantial rights." *Clark*, 330 Mich App at 433. "To avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights." *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). "Reversal is warranted only when the plain, forfeited error resulted in the conviction of an actually innocent defendant or when an error seriously affected the fairness, integrity or public reputation of judicial proceedings independent of the defendant's innocence." *Id*. at 763-764 (citation modified). Additionally, we review for an abuse of discretion a trial court's decision on a motion for a new trial. *People v Powell*, 303 Mich App 271, 276-277; 842 NW2d 538 (2013).

"[T]he test for prosecutorial misconduct is whether a defendant was denied a fair and impartial trial." *People v Dobek*, 274 Mich App 58, 63; 732 NW2d 546 (2007). "Issues of prosecutorial misconduct are decided case by case, and this Court must examine the entire record

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[4] We note that defendant raises the parallel claim that defense counsel was ineffective in this regard, which we address *infra*.

[5] Defendant categorizes his issue as one of "prosecutorial misconduct." However, as this Court explained in *People v Cooper*, 309 Mich App 74, 88; 867 NW2d 452 (2015), "these claims of error might be better and more fairly presented as claims of prosecutorial error, with only the most extreme cases rising to the level of 'prosecutorial misconduct.' " Thus, we refer to prosecutorial "error" unless quoting another case.

and evaluate a prosecutor's remarks in context." *Id*. at 64. "A prosecutor may not make a factual statement to the jury that is not supported by the evidence, but he or she is free to argue the evidence and all reasonable inferences arising from it as they relate to his or her theory of the case." *Id*. at 66 (citations omitted). "Prosecutors are typically afforded great latitude regarding their arguments and conduct at trial." *People v Unger*, 278 Mich App 210, 236; 749 NW2d 272 (2008).

In her opening statement, the prosecutor told the jurors that G.C. would testify that defendant had sexually abused her. We have noted that "[o]pening statement is the appropriate time to state the facts that will be proved at trial." *People v Ericksen*, 288 Mich App 192, 200; 793 NW2d 120 (2010). When defendant raised this issue in his motion for a new trial, the trial court determined that the prosecutor had a good-faith belief that G.C. would discuss this sexual abuse at trial.[6] The record reflects that, at a motion hearing shortly before trial, the prosecutor told the trial court that the children's grandfather had assured her that G.C. "now fe[lt] strong enough to be able to talk about what she wouldn't talk about at the preliminary exam." Therefore, the prosecutor did not commit error during her opening statement because she "was simply summarizing the anticipated testimony of [the witness], as well as providing a fair view of what the evidence would show." *Id*.

The prosecutor's closing argument acknowledged that G.C.'s testimony did not directly indicate sexual abuse but asked the jurors to consider the fact that G.C. seemed scared when she testified. Her closing argument also noted the grandfather's and the forensic interviewer's discussion of G.C.'s sexual-abuse allegations against defendant. After reviewing the record, we conclude that the prosecutor did not make factual statements that were unsupported by the evidence but rather argued reasonable inferences from the evidence presented at trial. See *Dobek*, 274 Mich App at 66. Therefore, the prosecutor's closing argument did not constitute error.

Regardless, the trial court instructed the jury that "[t]he lawyer's statements and arguments and any commentary are not evidence," and jurors are presumed to follow such instructions. See *Unger*, 278 Mich App at 235. Moreover, even if the prosecutor's opening statement or closing argument was improper, "a timely objection and curative instruction would have been sufficient to alleviate any prejudicial effect of these inappropriate prosecutorial arguments." *Id*. at 241. Therefore, even if defendant had established error, it would not require reversal. See *id*. Accordingly, no plain error occurred, and the trial court did not abuse its discretion when it denied defendant's motion for a new trial on the basis of prosecutorial error.

V. INEFFECTIVE ASSISTANCE OF COUNSEL

Defendant argues that he was denied the effective assistance of counsel. We disagree.

[6] Defendant suggests that the prosecutor acted in bad faith by seeking to have G.C. testify at trial that she was sexually abused by him. However, the prosecutor represented to the trial court during a pretrial hearing that she had been informed by G.C.'s grandfather that G.C. was now prepared to testify about the allegations. We have no basis to question this representation, and there is nothing in the record to indicate that the prosecutor lied or intentionally misled the trial court and defense counsel by making this representation.

"A claim of ineffective assistance of counsel presents a mixed question of fact and constitutional law." *People v Spears*, 346 Mich App 494, 502; 13 NW3d 30 (2023) (quotation marks and citation omitted). We review the trial court's factual findings for clear error, and legal issues are reviewed de novo. *Id.* at 503. "Clear error exists when the reviewing court is left with a definite and firm conviction that a mistake was made." *People v Blevins*, 314 Mich App 339, 348-349; 886 NW2d 456 (2016). Because the trial court did not hold a *Ginther*[7] hearing, our review "is limited to errors apparent from the record." *Spears*, 346 Mich App at 503.

"Criminal defendants are entitled to the assistance of counsel under both the Michigan and United States Constitutions. Const 1963, art 1, § 20; US Const, Am VI." *People v Yeager*, 511 Mich 478, 488; 999 NW2d 490 (2023). To establish a claim of ineffective assistance of counsel, "a defendant must show that (1) counsel's performance fell below an objective standard of reasonableness and (2) but for counsel's deficient performance, there is a reasonable probability that that outcome would have been different." *Id*. (quotation marks and citation omitted). "There is a presumption that counsel was effective, and a defendant must overcome the strong presumption that counsel's challenged actions were sound trial strategy." *People v Cooper*, 309 Mich App 74, 80; 867 NW2d 452 (2015). "This Court will not substitute its judgment for that of counsel on matters of trial strategy, nor will this Court use the benefit of hindsight when assessing counsel's competence." *Id*. (citation modified).

On appeal, defendant argues that defense counsel's performance was deficient because counsel (1) failed to object to inadmissible hearsay evidence, (2) requested to remove the jury instructions relating to evidence of other acts of child sexual abuse, and (3) failed to object to the alleged prosecutorial error. He also argues that the cumulative effect of these errors prejudiced his defense.

A. HEARSAY

Defendant first argues that defense counsel's performance was deficient because he failed to object to inadmissible hearsay testimony regarding G.C.'s allegations of sexual abuse by defendant. In particular, defendant challenges the grandfather's and the forensic interviewer's testimony indicating that G.C. had disclosed sexual-abuse allegations and identified defendant as the perpetrator.[8]

Hearsay is a statement that "the declarant does not make while testifying at the current trial or hearing" and that "a party offers in evidence to prove the truth of the matter asserted in the statement." MRE 801(c)(1)-(2). Unless it falls within an exception, hearsay generally is inadmissible. MRE 802.

[7] *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).

[8] We note that each instance of identification testimony was exceedingly brief, essentially consisting of a single question-and-answer.

Defendant is correct that these challenged statements constitute hearsay. See MRE 801(c).[9] Thus, a hearsay objection likely would have been successful in both instances. However, defense counsel's failure to object to the hearsay does not automatically mean that his performance was deficient because "failing to raise an objection may be consistent with a sound trial strategy." *People v Isrow*, 339 Mich App 522, 532; 984 NW2d 528 (2021). When defendant raised the same issue in his motion for a new trial, the trial court determined that defense counsel intentionally did not object to this hearsay as part of a valid trial strategy. The trial court reasoned that defense counsel did object at trial when the grandfather attempted to discuss the specifics of I.C.'s allegations, and "[t]his is evidence of intentional strategy and Defense Counsel 'choosing their battles.' "

Although "a court cannot insulate the review of counsel's performance by calling it trial strategy," *People v Douglas*, 496 Mich 557, 585; 852 NW2d 587 (2014) (quotation marks and citation omitted), the record supports the trial court's determination that defense counsel exercised valid trial strategy when he failed to object to the hearsay testimony. As noted, defense counsel's hearsay objection in another context indicates that defense counsel was familiar with the hearsay rules but chose to limit his objections to testimony involving specifics.

More importantly, the progression of the overall proceedings illustrates that defense counsel did not perform deficiently. Before trial, the trial court ruled that G.C.'s allegations of sexual abuse by defendant were admissible under MCL 768.27a, largely on the basis of the prosecutor's good-faith representation that G.C. now was willing to testify about those allegations. Thus, when G.C. was identified as a trial witness, both the prosecutor and defense counsel had every reason to expect that G.C. would testify to those allegations for the jury. Critically, however, the grandfather and the forensic interviewer testified at trial *before* G.C. As a result, defense counsel had a valid basis for not objecting to the grandfather's and forensic interview's brief identification testimony—the brief identification testimony was expected to be entirely consistent with, and cumulative of, G.C.'s testimony later during trial. In other words, it is only with the benefit of hindsight that we are able to assess on appeal that a hearsay objection might have been better placed. "We will not . . . use the benefit of hindsight when assessing counsel's competence." *People v Odom*, 276 Mich App 407, 415; 740 NW2d 557 (2007). Therefore, defense counsel did not perform deficiently by failure to object to the grandfather's and the forensic interviewer's brief identification testimony.[10]

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[9] Defendant also challenges testimony from a police detective which generally indicated that the detective arranged for two interviews with G.C. However, the detective did not identify the particulars of G.C.'s allegations, nor did he identify defendant as the alleged perpetrator. Thus, the detective's testimony was not improper hearsay contrary to MRE 801(c).

[10] We acknowledge that defense counsel did not specifically testify as to his trial strategy in this regard. See *People v Randolph*, 502 Mich 1, 10-13; 917 NW2d 249 (2018). However, given the trial court's familiarity with the case, including defense counsel's conduct throughout, it is appropriate to affirm the court's reasoning and result under these circumstances without resort to a *Ginther* hearing.

B. JURY INSTRUCTIONS

Defendant argues that defense counsel performed deficiently when he requested to remove the jury instruction regarding other acts of child sexual abuse, M Crim JI 20.28a. Defense counsel originally requested this jury instruction but later asked the trial court to omit the instruction after G.C. denied any sexual abuse at trial. When defendant raised the same argument below, the trial court stated that counsel exercised:

> a valid trial strategy because–due to G.C.'s testimony–there was no Other Acts evidence introduced at all. To have included the instruction in any form could have induced the jury into concluding that there actually were Other Acts that occurred, or induced confusion due to being told how to handle evidence which was not presented.

The record supports the trial court's ruling. At trial, defense counsel asserted that G.C. was credible when she denied the sexual abuse on the witness stand. In his closing argument, defense counsel argued that the jury should acquit defendant because G.C.'s testimony, which denied any abuse, completely contradicted I.C.'s testimony. Instructing the jury on M Crim JI 20.28a would have contradicted this common-sense argument. Indeed, had defense counsel advocated giving the jury that instruction, his advocacy would itself arguably have been deficient performance, as it would have encouraged the jury to believe that G.C. was sexually abused by defendant by highlighting the hearsay statements discussed above. Therefore, we conclude that defendant failed to establish that defense counsel performed deficiently when he asked the trial court to omit the other-acts instruction.

C. PROSECUTORIAL ERROR

Defendant argues that defense counsel's performance was deficient because he failed to object to the alleged prosecutorial error in the prosecutor's opening statement and closing argument discussed above. However, as explained, the prosecutor did not commit error because her statements were supported by the anticipated evidence presented at trial. Therefore, defense counsel was not deficient for failing to object to the prosecutor's opening statement and closing argument because any objection would have been futile. See *Isrow*, 339 Mich App at 532.

To summarize, we conclude that defendant was not denied effective assistance of counsel because he has not "overcome the strong presumption that counsel's challenged actions were sound trial strategy." *Cooper*, 309 Mich App at 80. Furthermore, defendant's cumulative-error argument is meritless because, as previously discussed, defendant failed to establish that defense counsel erred.[11] Accordingly, defendant is not entitled to relief for this issue.

VI. PSIR

[11] "The cumulative effect of several minor errors may warrant reversal even where individual errors in the case would not warrant reversal." *People v Knapp*, 244 Mich App 361, 388; 624 NW2d 227 (2001).

Finally, defendant argues that the trial court erred by failing to correct inaccurate information contained in his PSIR.[12] We review for an abuse of discretion a trial court's response to claims of inaccuracies in the defendant's PSIR. *People v Waclawski*, 286 Mich App 634, 689; 780 NW2d 321 (2009).

"A defendant is entitled to be sentenced . . . on the basis of accurate information." *People v McGraw*, 484 Mich 120, 131; 771 NW2d 655 (2009). An appellate court must remand for resentencing if the defendant's sentence was based on inaccurate information. *People v Jackson*, 487 Mich 783, 792; 790 NW2d 340 (2010). However, remand is not required if the trial court did not rely on the inaccurate information when it sentenced the defendant. See *id*.

On appeal, defendant challenges three portions of his PSIR. First, he argues that the trial court abused its discretion by failing to remove all references to G.C.'s sexual-abuse allegations. At sentencing, the trial court agreed to remove two paragraphs that described G.C.'s second forensic interview because that information was inconsistent with her trial testimony. However, the trial court declined to remove other references to G.C.'s abuse allegations because it found that the references were "relevant background information as to how the authorities got involved due to [G.C.] indicating that something had happened."

Under MCR 6.425(A)(1)(b), a PSIR must include "a complete description of the offense and the circumstances surrounding it." The only information related to G.C. in the amended PSIR includes (1) the grandfather's initial 2019 report to police that G.C. made sexual-abuse allegations against defendant; (2) a statement from the grandfather's neighbor who allegedly heard G.C. make this disclosure; (3) a summary of G.C.'s first forensic interview, in which she denied that defendant sexually abused her; (4) the fact that G.C. was interviewed a second time; and (5) a statement from the children's father indicating that he previously saw the children's mother and defendant have sex while G.C. was sleeping in the same bed. After reviewing the record and the amended PSIR, we conclude that the trial court did not abuse its discretion when it found that this information was relevant and necessary to explain the investigation process, which is part of the "circumstances surrounding" the charged offenses. See *id*.

Defendant next argues that the trial court erred by failing to remove G.C.'s victim-impact statement when G.C. was not a "victim" of the charged offenses. Crime victims have a right to submit an impact statement to be included in the PSIR. MCL 780.764. In the context of such impact statements, a victim is defined as "[a]n individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime[.]" MCL 780.752(1)(m)(*i*). At sentencing, the trial court declined to remove G.C.'s victim-impact statement because it found that the statement discussed the impact that defendant's actions had on both G.C. and her brother. Given that "the law does not limit victim's impact statements to direct victims," *Waclawski*, 286 Mich App at 692, the trial court did not abuse its discretion when it declined to remove G.C.'s victim-impact statement from the PSIR.

[12] At sentencing, the trial court agreed with defense counsel to amend the PSIR in certain respects but disagreed in other respects. Thus, the amended PSIR, not the original PSIR, is at issue before us.

Third, defendant contends that the trial court erred when it amended the evaluation and plan portion instead of removing the statement indicating that defendant had sexually abused two children. The original PSIR contained the following statement:

> The defendant's weaknesses would include the circumstances surrounding the instant offense. The defendant sexually assaulted two children, ages 4 and 5, while intimidating them and forcing them to touch him inappropriately for his own sexual arousal.

After defense counsel objected, the trial court amended the statement as follows:

> The defendant's weaknesses would include the circumstances surrounding the instant offense. The defendant sexually assaulted two children *but was convicted of assaulting [one] child only*, ages 4 and 5, while intimidating them and forcing them to touch him inappropriately for his own sexual arousal. . . . [Emphasis added.]

On appeal, the parties agree that this statement is misleading, if not inaccurate, because it contradicts G.C.'s trial testimony. Moreover, it might imply that defendant was charged with sexually assaulting both children but acquitted as to G.C. Therefore, we remand this case to the trial court to amend this statement in the PSIR to more clearly indicate that defendant either sexually assaulted only one child, or that G.C. denied at trial that she was sexually assaulted by defendant despite previously suggesting otherwise.

Lastly, although the PSIR contains inaccurate information, we need not remand this case for resentencing because defendant does not argue that the trial court relied on this inaccurate information when sentencing him. See *Jackson*, 487 Mich at 792. However, inaccurate information in a PSIR "may have ramifications for purposes of security classification or parole consideration when appropriate." *People v Maben*, 313 Mich App 545, 553; 884 NW2d 314 (2015) (quotation marks and citation omitted). Accordingly, remand is warranted.

VII. CONCLUSION

We affirm the trial court in all material respects but remand to that court for the ministerial task of amending the PSIR as explained in our opinion. We do not retain jurisdiction.

/s/ Michael J. Kelly
/s/ Michael J. Riordan
/s/ Michelle M. Rick