

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GREGORY FRANCIS KESSLER,

Defendant-Appellant.

UNPUBLISHED

March 25, 1997

No. 189219

Ingham Circuit Court

LC No. 95-068698-FC

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded guilty to second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3), and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to 10 to 22-1/2 years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant has waived the issues concerning the 180-day rule, the delay in prosecution, and the prosecution's failure to file a supplemental habitual-offender charge in the dismissed case by tendering an unconditional plea in the refiled case. MCR 6.301(C); *People v Lannom*, 441 Mich 490; 490 NW2d 396 (1992); *People v Bordash*, 208 Mich App 1; 527 NW2d 17 (1994); *People v Irwin*, 192 Mich App 216; 480 NW2d 611 (1991). See also *People v Eaton*, 184 Mich App 649, 655; 459 NW2d 86 (1990); *People v Rashid*, 154 Mich App 762, 770; 398 NW2d 525 (1986).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

/s/ Walter P. Cynar