

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CLAUDIA CAMERON CRAWFORD,

Defendant-Appellant.

UNPUBLISHED

June 27, 1997

No. 183271

Macomb Circuit Court

LC No. 93-002807 FH

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Defendant appeals by right her jury conviction for delivery of less than 50 grams of cocaine. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant claims that a total of three years in prearrest delay violated her right to due process, and that her defense was prejudiced by virtue of the fact that she had no memory of the events of the day in question, on which it is charged she sold cocaine to an undercover police officer. Assuming *arguendo* that defendant has established prejudice to her defense, that is only one of the two necessary prongs of a due process violation based on prearrest delay. Contrary to defendant's position that prosecutorial negligence is the second prong of the test, defendant must instead establish intent by the prosecution to gain a tactical advantage as a result of the delay. *People v White*, 208 Mich App 126, 134; 527 NW2d 34 (1994). Defendant neither claims nor has proffered evidence of such prosecutorial intent, and accordingly appellate relief is unwarranted.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Martin M. Doctoroff

/s/ Donald A. Teeple

* Circuit judge, sitting on the Court of Appeals by assignment.