

STATE OF MICHIGAN  
COURT OF APPEALS

---

JIMMIE BENTLEY,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

---

UNPUBLISHED

February 6, 1998

No. 198209

Saginaw Circuit Court

LC No. 96-013087 AW

Before: Gage, P.J., and Murphy and Reilly, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant in this mandamus proceeding, in which plaintiff contends that a detainer lodged against him by the State of New Jersey should be judicially nullified because New Jersey's earlier attempt at extradition failed for want of prompt and diligent prosecution, and that accordingly plaintiff's speedy trial rights have been infringed.

Plaintiff relies on *Rainey v Department of Corrections*, 41 Mich App 313, 317; 189 NW2d 829 (1972), where such relief was granted to a prisoner, based on a Michigan policy regarding speedy trial, where the state which lodged the detainer, Louisiana, was not a party to the interstate agreement on detainers. Where, as here, New Jersey is a party to that interstate compact, NJSA 2A:159 A-1 *et seq.*, U.S. Const, Art I, §10, cl 3, the interstate agreement on detainers requires the courts of this State to defer to the judgment of the courts of New Jersey, and thus to require plaintiff to present any speedy trial claims in a New Jersey forum. This is particularly appropriate where, as here, plaintiff has failed to invoke his rights under the interstate agreement on detainers, which *inter alia* require him to waive extradition, Art III(e). *Edmond v Department of Corrections*, 78 Mich App 196, 201; 259 NW2d 423 (1977). Summary disposition was therefore properly granted.

Affirmed.

/s/ Hilda R. Gage

/s/ William B. Murphy

/s/ Maureen Pulte Reilly