

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JENNIFER R. DINKLEMAN,

Defendant-Appellant.

UNPUBLISHED

May 29, 1998

No. 184940

Oakland Circuit Court

LC No. 95-137316 FC

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

Defendant appeals as of right from her plea-based conviction of armed robbery, MCL 750.529; MSA 28.797, and her sentence of three to fifteen years' imprisonment. Defendant's sentence is to be served concurrently with sentences defendant was then serving in Ohio. We affirm.

Defendant is not entitled to any sentence credit for the time spent imprisoned in Ohio. MCL 769.11b; MSA 28.1083(2); *People v Adkins*, 433 Mich 732; 449 NW2d 400 (1989); *People v Prieskorn*, 424 Mich 327; 381 NW2d 646 (1985). Defendant misreads *Adkins* as authorizing sentence credit for time served for an unrelated offense in a foreign jurisdiction as a remedy for a prosecutor's failure to swiftly prosecute a defendant. *Adkins* may be read only as recognizing that a trial court may consider misconduct or inaction on the part of authorities when fashioning an appropriate minimum sentence. *Adkins*, *supra* at 751 n 10; see also *People v Bowman*, 442 Mich 424, 429 n 9; 502 NW2d 192 (1993). Defendant created no record from which it can be determined that any misconduct occurred in this case.

Finally, defendant misplaces her reliance on *People v Gleason*, 139 Mich App 445; 363 NW2d 3 (1984), *People v Coyle*, 104 Mich App 636; 305 NW2d 275 (1981), and *People v Parshay*, 104 Mich App 411; 304 NW2d 593 (1981), as support for her claimed due process entitlement to additional sentence credit. These cases were not decided on due process grounds. Instead, this Court upheld awards of sentence credit under a "liberal" construction of the sentence credit statute. *Gleason*, *supra* at 447; *Coyle*, *supra* at 645-650; *Parshay*, *supra* at 414-418. Our

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

Supreme Court expressly repudiated the liberal construction accorded the statute in these cases in favor of a construction that allows an award of sentence credit only for time served as a result of being denied or unable to furnish bond for the offense of which the defendant is convicted. *Adkins, supra* at 750; *Prieskorn, supra*.

We affirm.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka