

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DOUGLAS WILLIAM BREWER,

Defendant-Appellant.

UNPUBLISHED
September 4, 1998

No. 208188
Iron Circuit Court
LC No. 96-007911 FH

Before: Donald E. Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of prison escape, MCL 750.193; MSA 28.390, and sentenced to two to five years' imprisonment. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court correctly determined that the 180-day rule does not apply to a charge of prison escape. MCL 780.131(2); MSA 28.969(1)(2); *People v Smith*, 438 Mich 715, 717-718 (Levin, J.), 719 (Boyle, J.); 475 NW2d 333 (1991); *People v Connor*, 209 Mich App 419, 424, 426-427; 531 NW2d 734 (1995).

The trial court also correctly refused to grant defendant sentence credit. Defendant is not entitled to such credit pursuant to MCR 6.004(D)(2) because the 180-day rule does not apply to a prison escape charge. Moreover, defendant is not entitled to sentence credit pursuant to MCL 769.11b; MSA 28.1083(2). *Connor, supra*, 431-432.

We decline to address defendant's claim that the trial court erred when it refused to stay proceedings to allow defendant to pursue an interlocutory appeal because this issue is not set forth in the statement of the questions presented. *People v Yarbrough*, 183 Mich App 163, 165; 454 NW2d 419 (1990).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls
/s/ Mark J. Cavanagh