

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK DARNELL DIGGS, a/k/a MARK DARREL
DIGGS, a/k/a DAVID REED, a/k/a JAMES
WILLIAMS, a/k/a RONALD BROWN, a/k/a
DAVID BROWN

Defendant-Appellant.

UNPUBLISHED
March 12, 1999

No. 193998
Recorder's Court
LC No. 95-011493

Before: Gribbs, P.J., and Saad and P. H. Chamberlain,* JJ.

MEMORANDUM.

Defendant appeals by leave granted his plea-based convictions of unarmed robbery, MCL 750.530; MSA 28.798, larceny from a person, MCL 750.367; MSA 28.599, and habitual offender, fourth or subsequent offense, MCL 769.12; MSA 28.1084. We affirm.

Defendant was served with a supplemental information charging him as an habitual offender. At a disposition conference, the court indicated that it would sentence defendant as an habitual offender to a term of five to fifteen years in prison. With that understanding, defendant pleaded guilty to the underlying charges and to the supplemental charge. The court imposed the agreed-upon sentence of five to fifteen years in prison.

Defendant argues that his conviction and sentence as an habitual offender must be vacated because the prosecutor's service of the supplemental information did not comply with the requirements of MCL 769.13(2); MSA 28.1085(2).

We disagree and affirm. An unconditional plea of guilty waives the issue of failure to timely file a supplemental information. *People v Lannom*, 441 Mich 490, 494; 490 NW2d 396 (1992). Moreover, the record indicates that defendant had actual notice of the filing of the supplemental

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

information, and that prior to pleading guilty had ample time to consider his options and make a meaningful decision. *People v Tippery*, 188 Mich App 445, 446; 470 NW2d 431 (1991). Defendant and his counsel signed a form indicating that they were aware of the charges and that they were satisfied with the agreement.

Affirmed.

/s/ Roman S. Gibbs

/s/ Henry William Saad

/s/ Paul H. Chamberlain