

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN ALLEN COLORITE,

Defendant-Appellant.

UNPUBLISHED

August 31, 1999

No. 206257

Iosco Circuit Court

LC No. 97-003425 FH

Before: Markman P.J., and Saad and P. D. Houk*, JJ.

MEMORANDUM.

Defendant appeals as of right from his conviction of two counts of criminal sexual conduct in the fourth degree, MCL 750.520e(1)(a); MSA 28.788(5)(1)(a), entered after a jury trial. We affirm.

On November 19, 1996 defendant was charged in the instant case. He was released on a personal recognizance bond on February 4, 1997, after serving seventy-eight days in jail. He was convicted on May 28, 1997. His bond was continued pending sentencing.

On June 3, 1997 defendant was arrested on unrelated charges of criminal sexual conduct in the fourth degree. He was unable to post bond, and remained incarcerated. On September 15, 1997 the trial court sentenced defendant to concurrent terms of sixteen to twenty-four months in prison for the instant offenses, with credit for seventy-eight days. Defendant contended that he was entitled to an additional 134 days' credit for time served on the charges lodged against him in June, 1997. The court declined to award additional credit.

We review a question of law regarding statutory interpretation on a de novo basis. *People v Givans*, 222 Mich App 113, 124; 575 NW2d 84 (1997).

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

Defendant argues that he was entitled to an additional 134 days' credit toward his sentences for the instant offenses. We disagree. The purpose of the sentence credit statute, MCL 769.11b; MSA 28.1083(2), is to equalize, as far as is possible, the status of persons who are

unable to post bond and the status of persons who are financially capable of posting bond. *Givans, supra*, at 125. While a defendant is entitled to credit for time served prior to sentencing due to an inability to post bond, § 11b, no credit is due for time served on an unrelated offense. *People v Prieskorn*, 424 Mich 327, 340; 381 NW2d 646 (1985). The offenses for which defendant was incarcerated in June, 1997, were unrelated to those for which he was sentenced in September, 1997. Defendant was not entitled to sentence credit in the instant case for time served after his incarceration in June, 1997. *Prieskorn, supra*. Furthermore, defendant was not entitled to sentence credit on a due process basis as a remedy for unnecessary delay. *People v Parshay*, 104 Mich App 411, 416; 304 NW2d 593 (1981). During the period between his conviction of and his sentencing for the instant offenses, defendant was not incarcerated as a result of those offenses.

Affirmed.

/s/ Stephen J. Markman
/s/ Henry William Saad
/s/ Peter D. Houk