STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

        Plaintiff-Appellee,

v

KARL LEE GULLEDGE,

        Defendant-Appellant.

UNPUBLISHED
October 12, 1999

No. 211327 & 211328
Recorder's Court
LC Nos. 92-003355 &
97-001354

Before: Griffin, P.J., and Zahra and Pavlich*, JJ.

MEMORANDUM.

Defendant appeals by right sentences entered on his plea-based convictions for felonious assault and probation violation. We affirm.

On appeal, defendant argues that the trial court abused its discretion in failing to grant sentence credit for time served against both concurrent sentences. Defendant's argument is without merit.

MCL 769.11b; MSA 28.1083(2) provides:

> Whenever any person is hereafter convicted of any crime within this state and has served any time in jail prior to sentencing because of being denied or unable to furnish bond for the offense of which he is convicted, the trial court in imposing sentence shall specifically grant credit against the sentence for such time served in jail prior to sentencing.

In *People v Prieskorn,* 424 Mich 327, 344; 381 NW2d 646 (1985), the Court held that to receive credit under the statute for presentence time served, a defendant must have been incarcerated for the offense of which he was convicted. In *People v Adkins,* 433 Mich 732, 750; 449 NW2d 400 (1989), the Court reiterated that § 11b itself requires credit only for time served as a result of a defendant being denied or unable to furnish bond for the offense of which he is convicted. Where

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

defendant had served time not because of his inability to post bond, but because of his incarceration on another offense, the statute is inapplicable.

Here, the trial court properly found that defendant served time prior to sentencing due to the probation violation charge and that he was not entitled to credit on the felonious assault sentence under the terms of the statute.

Affirmed.

/s/ Richard Allen Griffin
/s/ Brian K. Zahra
/s/ Scott L. Pavlich