

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TYREE WASHINGTON,

Defendant-Appellant.

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UNPUBLISHED

January 18, 2000

No. 201057

Washtenaw Circuit Court

LC No. 90-042914 FH

ON REMAND

Before: Fitzgerald, P.J., and Hood and Sawyer, JJ.

MEMORANDUM.

This case is on remand from the Supreme Court for consideration of defendant's sentencing issue. *People v Williams*, \_\_\_ Mich \_\_\_, \_\_\_ NW2d \_\_\_ (1999). We affirm.

Defendant argues that the circuit court lost jurisdiction to sentence him when it failed to execute a writ of habeas corpus which delayed defendant's sentencing. We disagree. Sentencing is including in the speedy trial guarantee. *People v Garvin*, 159 Mich App 38, 46; 406 NW2d 469 (1987). Accordingly, to determine whether the delay in sentencing deprived the trial court of jurisdiction, we must consider: (1) the length of delay; (2) reason for the delay; (3) defendant's assertion of his right; and (4) prejudice to defendant. *Id.* The length of delay between the original sentencing date and actual sentencing was six years. However, defendant's claimed violation fails because defendant did not demonstrate prejudice as a result of the delay. In sentencing defendant, the circuit court gave defendant full credit for time served while in custody for both the federal and state proceedings. *People v McIntosh*, 103 Mich App 11, 21; 302 NW2d 321 (1981). While defendant claims that he is subject to the jurisdiction of the state parole board upon his release from federal custody, this claim is speculative.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Harold Hood

/s/ David H. Sawyer