

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEREMIAH STREET,

Defendant-Appellant.

UNPUBLISHED

April 18, 2000

No. 213406

Wayne Circuit Court

Criminal Division

LC No. 91-005357

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington*, JJ.

MEMORANDUM.

Defendant appeals as of right from the sentences imposed on his plea-based convictions of assault with intent to murder, MCL 750.83; MSA 28.278, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). We affirm.

In *People v Street*, unpublished opinion per curiam of the Court of Appeals, issued October 4, 1996 (Docket No. 185110), another panel of this Court reversed defendant's convictions of second-degree murder, MCL 750.317; MSA 28.549, assault with intent to murder, and felony-firearm, and remanded the case for a new trial. On remand, defendant pleaded nolo contendere to the charges of assault with intent to murder and felony-firearm. The trial court sentenced defendant to seven to twelve years in prison for the assault conviction, and to the mandatory two-year term for the felony-firearm conviction, with credit for 2,198 days.

On appeal, defendant argues that the trial court erred in calculating the sentence credit, and that he was entitled to 2,410 days' credit. Defendant asserts that he was entitled to credit from May 1, 1991, the date of his arrest on the instant charges, to December 4, 1997, the date of his resentencing, for time served in pre-trial detention when he was unable to post bond, MCL 769.11b; MSA 28.1083(2), and for time served on the voided original sentence. MCL 769.11a; MSA 28.1083(1); *People v Lyons (After Remand)*, 222 Mich App 319, 321; 564 NW2d 114 (1997).

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

Defendant did not raise this issue before the trial court; therefore, review is precluded unless the failure to address the issue would result in manifest injustice. *People v Grant*, 445 Mich 535, 547; 520 NW2d 123 (1994); *People v Connor*, 209 Mich App 419, 431; 531 NW2d 734 (1995).

We affirm. Defendant was entitled to time served on the void sentence, a total of 2,198 days. MCL 769.11a; MSA 28.1083(1); *Lyons, supra*. Defendant was on parole at the time he committed the instant offenses. After he was arrested for the instant offenses, he was placed under a parole hold until he was sentenced. Defendant was not entitled to credit for time served while under a parole detainer. MCL 791.238; MSA 28.2308; *People v Stewart*, 203 Mich App 432, 433; 513 NW2d 147 (1994). Defendant was not entitled to additional credit.

Affirmed.

/s/ Roman S. Gibbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington