

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE OKLIN CINNAMON,

Defendant-Appellant.

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UNPUBLISHED

April 28, 2000

No. 221797

Washtenaw Circuit Court

LC No. 97-008086-FC

Before: Collins, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted his guilty plea based conviction for armed robbery, MCL 750.529; MSA 28.797. We affirm.

On appeal, defendant argues that the trial court erred in calculating the credit he should have been granted for time served in jail prior to sentencing. Defendant committed a string of crimes in March 1997 in Wayne and Washtenaw counties. Defendant was arrested in Wayne County on March 13, 1997, for four robberies committed in that county. Defendant was incarcerated due to his inability to post bond.

A complaint and warrant were issued by Washtenaw County on April 17, 1997. Defendant was not arraigned in Washtenaw County until March 31, 1998. Defendant pleaded guilty, and was sentenced to three to fifteen years' imprisonment on September 10, 1998. This sentence was concurrent with the Wayne County sentence, and defendant was given 164 days' jail credit, from the date of his arraignment in Washtenaw County. Defendant argues that he should have been granted sentence credit for time spent incarcerated since March 17, 1997.

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 for such time served in jail prior to sentencing.

The primary purpose of the statute is to equalize, as far as possible, the status of the indigent accused with the status of the accused who can afford to post bail. *People v Prieskorn*, 424 Mich 327, 340; 381 NW2d 646 (1985). The statute provides that a defendant shall receive credit for time served before sentencing for the offense of which he is convicted. Because prior to March 31, 1998, defendant was incarcerated for the Wayne County charges and not the Washtenaw County charges, by the terms of the statute, he is not entitled to credit for that time against this sentence. *People v Givans*, 227 Mich App 113, 125-126; 575 NW2d 84 (1997).

Affirmed.

/s/ Jeffrey G. Collins

/s/ Janet T. Neff

/s/ Michael R. Smolenski