

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICKY LEE HELTON,

Defendant-Appellant.

UNPUBLISHED

October 3, 2000

No. 214345

Genesee Circuit Court

LC No. 96-054716-FH

Before: McDonald, P.J., and Sawyer and White, JJ.

MEMORANDUM.

Defendant claims an appeal from his sentence of three to five years in prison, with credit for 406 days, for probation violation, following a plea-based conviction of OUIL, third offense, MCL 257.625(7)(d); MSA 9.2325(7)(d). We affirm.

Defendant argues that he was entitled to receive an additional 115 days' credit for time he spent at New Paths, a residential substance abuse treatment program, as a condition of his probation. We disagree and affirm defendant's sentence as imposed by the trial court. A defendant is not entitled to sentence credit for time spent in a private rehabilitation program as a condition of probation. *People v Whiteside*, 437 Mich 188, 191-192, 202; 468 NW2d 504 (1991); *People v Leske*, 187 Mich App 153, 157; 466 NW2d 361 (1991).

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Helene N. White