

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TERRY L. CRAWFORD,

Defendant-Appellant.

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UNPUBLISHED  
October 20, 2000

No. 212966  
Oakland Circuit Court  
LC No. 91-105847 FH

Before: Owens, P.J., and Jansen and R.B. Burns\*, JJ.

MEMORANDUM.

Defendant appeals as of right from his jury trial conviction of violating MCL 333.7401(2)(a)(iii); MSA 14.15(7401)(2)(a)(iii), possession with intent to deliver 50 grams or more, but less than 225 grams of cocaine. The trial court sentenced defendant as an habitual offender, third offense, MCL 769.11; MSA 28.1083, to 12½to 40 years' imprisonment, with credit for 1,193 days served; this sentence was made consecutive to a term of imprisonment on a previous conviction that defendant was already serving. Defendant claims that the trial court committed error requiring reversal when it held that the prosecutor did not violate the 180-day rule contained in MCR 6.004(D) and MCL 780.131; MSA 28.969(1). Defendant seeks to have his conviction vacated and the charges dismissed on the basis that the prosecution had actual knowledge of his incarceration as a state prisoner. We affirm the trial court, albeit on different grounds than those relied on by that court, but remand this case for correction of the judgment of sentence.

The purpose of the 180-day rule is "to give an inmate the opportunity to have his sentences run concurrently; the purpose does not apply in a case where a mandatory consecutive sentence is required upon conviction." *People v McCullum*, 201 Mich App 463, 465; NW2d (1993). Given that defendant was subject to mandatory consecutive sentencing for an offense committed while he was on parole, the 180-day rule did not apply. *People v Chavies*, 234 Mich App 274, 280; 593 NW2d 655 (1999).

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

The only error presented by this case is an error regarding sentence credit. Because defendant was sentenced to a mandatory consecutive term of imprisonment, the full amount of credit awarded to defendant must be applied to his previous sentence rather than his current sentence. *People v Watts*, 186 Mich App 686, 687-689; 464 NW2d 715 (1991); *People v Stewart*, 203 Mich App 432; 513 NW2d 147 (1994); *People v Johnson*, 205 Mich App 144, 146; 517 NW2d 273 (1994). This case is therefore remanded to the trial court for the ministerial act of correcting the judgment of sentence to reflect that the sentence credit is to be applied to defendant's previous sentence.

Affirmed and remanded for correction of the judgment of sentence. We do not retain jurisdiction.

/s/ Donald S. Owens

/s/ Kathleen Jansen

/s/ Robert B. Burns