

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DESMOND ROGERS,

Defendant-Appellant.

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UNPUBLISHED

July 9, 2002

No. 230516

Wayne Circuit Court

LC No. 00-001600

Before: Fitzgerald, P.J., and Holbrook, Jr., and Doctoroff, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of first-degree home invasion, MCL 750.110a(2), felonious assault, MCL 750.82, intentional discharge of a firearm at a dwelling, MCL 750.234b(1), and possession of a firearm during the commission of a felony, MCL 750.227b. The trial court sentenced him to eight to twenty years' imprisonment for the home invasion conviction and thirty-two to forty-eight months' imprisonment for both the assault conviction and the discharge of a weapon conviction, all to be served consecutively to the mandatory two-year term for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant, who it is undisputed was on parole at the time of the incident leading to his convictions, was arrested on July 1, 1999. He was returned to the Department of Corrections as a parole violator on November 2, 1999. His trial took place on July 27, 2000, a period in excess of 180 days of his incarceration. On appeal, he contends his convictions should be set aside under the 180-day rule, MCL 780.131, because of this delay. We disagree.

As a threshold matter, this argument was not raised in the trial court. As a general rule, issues not raised before and considered by the trial court are not properly preserved for appellate review. *People v Connor*, 209 Mich App 419, 422; 531 NW2d 734 (1995). In any event, the argument is without merit. The purpose of the 180-day rule is to give an inmate the opportunity to have sentences run concurrently. *People v Falk*, 244 Mich App 718, 720; 625 NW2d 476 (2001). Accordingly, the rule does not apply to a pending charge that subjects the defendant to mandatory consecutive sentencing. *People v Chavies*, 234 Mich App 274, 280; 593 NW2d 655 (1999). Consecutive sentencing is mandatory when someone commits a crime while on parole. MCL 768.7a(2). Because defendant's sentence was required to be consecutive under MCL

768.7a(2), the 180-day rule did not apply to him. *Chavies, supra* at 281.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Donald E. Holbrook, Jr.  
/s/ Martin M. Doctoroff