

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEFFREY LAMONT HARRISON,

Defendant-Appellant.

UNPUBLISHED

February 13, 1998

No. 186632

Recorder's Court

LC No. 89-013733

Before: Markman, P.J., and McDonald and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals by leave granted an order denying his request for relief from judgment. We affirm.

Defendant was initially sentenced to lifetime probation after he pleaded guilty to a charge of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). Subsequently, defendant was incarcerated on that charge after violating his probation by committing another felony.

Defendant argues his conviction and sentence should be reversed because the trial court lacked jurisdiction over him due to his continuing wardship with the juvenile court pursuant to MCL 712A.2(a); MSA 27.3178(598.2)(a). We decline to address this issue because we find defendant waived this issue by pleading guilty to the cocaine possession charge. Although jurisdictional defects are generally not waived by a guilty plea, *People v Lannom*, 441 Mich 490, 493; 490 NW2d 396 (1992), a defendant's guilty plea waives issues of personal jurisdiction, *People v Eaton*, 184 Mich App 649, 658; 459 NW2d 86 (1990), affirmed 439 Mich 919 (1992). Defendant's argument that the trial court did not have jurisdiction over him because he was still a ward of the juvenile court is an issue of personal jurisdiction, not subject matter jurisdiction. See *Eaton, supra*, at 652-653 (subject matter jurisdiction deals with whether a court has the authority to adjudicate an action and personal jurisdiction deals with whether a court can bind the parties to a particular action.) Therefore, defendant's guilty plea to the cocaine possession charge waived his right to raise this issue of personal jurisdiction and the trial court's

denial of defendant's request for relief from judgment was proper, although based on a different ground. See *In re Powers*, 208 Mich App 582, 591; 528 NW2d 799 (1995).

Affirmed.

/s/ Stephen J. Markman

/s/ Gary R. McDonald

/s/ Michael J. Cavanagh