

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER LOUIS WINBUSH,

Defendant-Appellant.

UNPUBLISHED

March 12, 1999

No. 203998

Bay Circuit Court

LC No. 93-001237 FH

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

MEMORANDUM.

Defendant appeals as of right from his probation violation conviction and sentence. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We reject defendant's argument that he should have received additional sentencing credit based upon his prior incarceration for unrelated Saginaw County convictions. MCL 769.11b; MSA 28.1083(2) mandates credit only for time served as a result of being denied bond or unable to furnish bond for the offense in question, not for time served on other, unrelated offenses, regardless of whether a hold was or could have been placed on the prisoner for the offense in question. *People v Adkins*, 433 Mich 732; 449 NW2d 400 (1989); *People v Prieskorn*, 424 Mich 327; 381 NW2d 646 (1985). Moreover, defendant has failed to demonstrate any violation of his due process rights by showing that the delay in bringing the probation violation charges actually and substantially prejudiced his ability to present a defense to those charges. E.g., *People v Adams*, 232 Mich App 128; ___ NW2d ___ (1998).

We are also unpersuaded that defendant was deprived of the effective assistance of counsel at sentencing. Although the substitute counsel who represented defendant at sentencing said that he was "new" to the case, he indicated on the record that he had an opportunity to meet with defendant to review and discuss the presentence investigation report. Defendant has failed to meet his burden of showing constitutionally deficient performance and resulting prejudice. *People v Stanaway*, 446 Mich 643; 521 NW2d 557 (1994); *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994); *Strickland v Washington*, 466 US 668; 104 S Ct 2052; 80 L Ed 2d 674 (1984).

Affirmed.

/s/ William B. Murphy

/s/ Barbara B. MacKenzie

/s/ Michael J. Talbot