

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

PRESTON CURTIS JOHNSON,

Defendant-Appellant.

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UNPUBLISHED  
September 9, 2003

No. 239999  
Wayne Circuit Court  
LC No. 81-000040

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Defendant appeals as of right his plea-based conviction for assault with intent to rob, MCL 750.88. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that he was denied his right to a speedy trial, and trial counsel was ineffective in failing to raise this issue. An unconditional guilty plea waives a claim of violation of federal and Michigan constitutional rights to a speedy trial. *People v Depifanio*, 192 Mich App 257; 480 NW2d 616 (1991). A no contest plea is the functional equivalent of a guilty plea and has the same effect of waiving issues pertaining to the capacity of the state to prove guilt. *People v New*, 427 Mich 482, 493; 398 NW2d 358 (1986). Where the alleged deficient action of defense counsel relates to an issue that is waived by a plea, the claim of ineffective assistance of counsel relating to that action is also waived. *People v Vonins (After Remand)*, 203 Mich App 173, 176; 511 NW2d 706 (1993).

Defendant is not entitled to jail credit for time served for offenses committed while he was on bond for the instant offense. Credit is granted under MCL 769.11b only when a defendant is incarcerated for being denied or being unable to furnish bond for the conviction for which sentence is imposed. *People v Adkins*, 433 Mich 732; 449 NW2d 400 (1989).

Affirmed.

/s/ Jane E. Markey  
/s/ Mark J. Cavanagh  
/s/ Henry William Saad