

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANNY D. DANDRIDGE,

Defendant-Appellant.

UNPUBLISHED

May 7, 1996

No. 182986

LC No. 89-40909-FH

Before: Michael J. Kelly, P.J., and Bandstra and S.B. Miller,* JJ.

PER CURIAM.

Defendant, Danny D. Dandridge, was convicted as a result of a guilty plea, to attempted carrying a concealed weapon, MCL 750.92; MSA 28.287. The Genesee Circuit Court sentenced defendant to five years probation with the first 120 days in the county jail and gave him credit for thirty-seven days served. Following the completion of the county jail time defendant was in a program, as required, but left and went to live with his mother in Wayne County. His probation was transferred to Detroit where he was placed in a halfway house under the authority of the Detroit Recorder's Court. This placement was the result of the recorder's court probation department being unable to place him on a tether as his mother's home did not have a telephone.

Defendant remained at the halfway house for 101 days. This period of incarceration was a condition of probation and defendant is entitled to credit for time served. *People v Hite (After Remand)*, 200 Mich App 1; 503 NW2d 692 (1993).

A review of the record convinces this Court that defendant was allowed an opportunity to explain the reasons for his failure to report and that the court gave appropriate consideration to defendant's explanations. The sentence of twenty months to thirty months was proportionate to the offense and the offender. *People v Milbourn*, 435 Mich 630; 461 NW 2d 1 (1990).

The trial court incorrectly calculated the credit for time served and defendant should be credited with a total of 172 days time served; December 13 to December 18, 1994, five days county jail time served, sixty-six days, and halfway house, 101 days totaling 172 days.

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

Defendant's conviction and sentence are affirmed. Remanded for credit of 172 days time served. We do not retain jurisdiction.

/s/ Michael J. Kelly
/s/ Joel P. Bandstra
/s/ Stephen B. Miller