

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONNIE LAVERNE SEALS, JR.,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 181082

LC No. 93-036529-FH

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Defendant pleaded guilty to violating probation on his underlying conviction of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), and was sentenced to three years' probation, with one year to be served in the county jail. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant has waived appellate review of his claim that his right against successive prosecutions out of the same criminal transaction was violated. The issue was not raised below and we do not have a proper record for review. *People v Schollaert*, 194 Mich App 158, 162; 486 NW2d 312 (1992). Further, the issue should have been raised in an appeal as of right from defendant's original judgment of sentence, not the judgment of sentence for violating probation. *People v Pickett*, 391 Mich 305, 308, 316; 215 NW2d 695 (1974). Finally, by entering an unconditional guilty plea in this matter when both cases were still pending, defendant has waived appellate review of the issue. *People v Webb*, 128 Mich App 721, 728; 341 NW2d 191 (1983).

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.