

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD DAVID FLIAM,

Defendant-Appellant.

UNPUBLISHED

June 11, 1996

Nos. 160295; 165406

LC No. 92-7256-FH

Before: Doctoroff, C.J., and Hood and Gribbs, JJ.

MEMORANDUM.

Defendant pled guilty to OUIL-third, MCL 257.625; MSA 9.2325, as part of a plea bargain agreement in which other charges were dismissed. He was ultimately sentenced to a term of forty to sixty months, to run concurrently to two other sentences defendant was currently serving. Defendant appeals the circuit court order denying his motion to withdraw his plea because of a violation of the 180 day rule. We affirm.

Defendant's unconditional guilty plea in this matter waived review of his argument that the 180 day rule was violated. *People v Irwin*, 192 Mich 216, 218; 480 NW2d 611 (1991). Moreover, the trial court found on remand that the 180 day rule was not violated in this case. We find no error.

Defendant also argues that counsel was ineffective. To establish a claim of ineffective assistance of counsel, a defendant must show that counsel's performance was deficient and that the alleged deficiencies were prejudicial. *Strickland v Washington*, 466 US 668, 687; 104 S Ct 2052; 80 L Ed 2d 674 (1984); *People v Tommolino*, 187 Mich App 14; 466 NW2d 315 (1991). The record this case does not support defendant's claim.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Harold Hood

/s/ Roman S. Gibbs