

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALLEN JOHN KING,

Defendant-Appellant.

UNPUBLISHED

July 5, 1996

No. 182912

LC No. 91-002330-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 breaking and entering an unoccupied dwelling with intent to commit larceny, MCL 750.110; MSA 28.305, and was sentenced to ninety days in jail and an additional year of probation. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant may not, in this appeal, challenge the October 8, 1993 order extending his probationary term for one year. See *People v Pickett*, 391 Mich 305; 215 NW2d 695 (1974). Although defendant pleaded guilty to the amended order of probation three days after it was scheduled to expire, the petition and order to show cause were filed well within the extended probationary period. For that reason, the trial court did not lose jurisdiction to accept defendant's plea to probation violation and to sentence defendant for the violation. *People v Kendall*, 142 Mich App 576; 370 NW2d 631 (1985). Cf., *People v Wakefield*, 46 Mich App 97; 207 NW2d 461 (1973). Defendant does not claim he was not given prior notice of the petition and order to show cause, and, in any event, such notice is not required to make the amendment. *People v Johnson*, 210 Mich App 630, 634; 534 NW2d 255 (1995).

*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.