

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 183134

LC No. 89-003538-FH

ROBERT ANDREW GIBSON,

Defendant-Appellant.

Before: Michael J. Kelly, P.J., and Hoekstra and E.A. Quinnell,* JJ.

HOEKSTRA, J. (concurring).

I concur in result because, irrespective of whether defendant was prejudiced by the length of his sentence, defendant has no basis upon which to claim a denial of due process based on due diligence. The violation of probation petition was filed during the term of probation, MCL 771.4; MSA 28.1134; *People v Ritter*, 186 Mich App 701, 706; 464 NW2d 919 (1991), and adjudication on the petition occurred approximately one month later.

/s/ Joel P. Hoekstra

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