

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JHAN HERBERT DUNCAN, a/k/a ROBERT  
BRAXTON,

Defendant-Appellant.

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UNPUBLISHED

October 1, 1996

No. 175405

LC No. 91-013045

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.\*

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). For those respective convictions, he was sentenced to one to four years' imprisonment and two years' consecutive imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The threshold issue of whether the 180-day rule was violated has been waived by defendant's unconditional guilty plea. *People v Bordash*, 208 Mich App 1; 527 NW2d 17 (1994). Moreover, although defendant did present this issue to the trial court in post-plea proceedings, he has nonetheless failed to demonstrate any error on the part of the trial court in rejecting the alleged violation.

Having considered defendant's argument and the record before us, we also conclude that he has demonstrated no basis for sentencing relief due to alleged ineffective assistance of counsel. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994).

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

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan