

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NORMAN HOWARD ESSER,

Defendant-Appellant.

UNPUBLISHED

October 8, 1996

No. 187081

LC No. 93-002360-FH

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

MEMORANDUM.

Defendant pleaded guilty of attempted possession of marijuana with intent to deliver, MCL 333.7401(2)(c); MSA 14.15(7401)(2)(c) and MCL 750.92; MSA 28.287, and was sentenced to one to two years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant was not punished twice for a single offense on the ground that property was previously forfeited for this same offense. Based upon the limited record made in the trial court on this issue, the forfeiture proceedings were not punitive in nature and, therefore, any property forfeited did not amount to a criminal sanction. *People v Hellis*, 211 Mich App 634, 644-645; 536 NW2d 587 (1995). See also *United States v Ursery*, ___ US ___; ___ S Ct ___; ___ L Ed 2d ___; 64 USLW 4565 (1996).

The trial court did not err in ruling as a matter of law that a reverse-buy transaction by the police does not establish entrapment per se. Even if MCL 333.7304; MSA 14.15(7304) was violated by the police, this does not alone establish entrapment or reprehensible conduct by the police. *People v James Williams*, 196 Mich App 656, 664-665; 493 NW2d 507 (1992). Defendant has not preserved further review of the propriety of the police officers' conduct as a result of waiving his right to an evidentiary hearing on the issue in the trial court.

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

By tendering an unconditional guilty plea, defendant has waived appellate review of his claim that the 180-day rule, MCL 780.131; MSA 28.969(1), was violated. *People v Bordash*, 208 Mich App 1, 2-3; 527 NW2d 17 (1994).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan