

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES H. THOMPSON,

Defendant-Appellant.

UNPUBLISHED

December 6, 1996

No. 187159

LC No. 94-136692-FC

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

MEMORANDUM.

Defendant pleaded nolo contendere to assault with intent to murder, MCL 750.83; MSA 28.278, 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 seven to twenty years' imprisonment and two years' consecutive imprisonment. He appeals as of right. We remand. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The record does not indicate whether defendant is entitled to good time credits for the seven- to twenty-year sentence for the assault conviction, as he was lead to believe in tendering his pleas. For that reason, we remand the case to the trial court to determine whether defendant is, in fact, entitled to good time credits on his assault sentence. If he is, defendant's pleas shall stand. If he is not, defendant shall be given the opportunity to withdraw his pleas and proceed to trial on the charges against him.

Remanded for further proceedings in accordance with this opinion. We do not retain jurisdiction.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.