

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD J. HARRIS,

Defendant-Appellant.

UNPUBLISHED

February 7, 1997

No. 188493

Saginaw Circuit Court

LC No. 94-009571

Before: Michael J. Kelly, P.J., and Saad and H. A. Beach,* JJ.

MEMORANDUM.

Defendant pleaded guilty to the crime of uttering and publishing, MCL 750.249; MSA 28.446, pursuant to a plea bargain. At the plea-taking, defendant acknowledged his habitual offender status, but there was no discussion of the effect that his habitual offender status would have upon the minimum sentence. Defendant was sentenced to eighteen months to fourteen years. He now appeals, asserting that the sentencing court erred by failing to expressly advise him at the plea-taking that, as an habitual offender, defendant must actually *serve* his entire minimum sentence (i.e. with no good time credit). We find no error.

This very argument was rejected in *People v Owens*, 108 Mich App 600, 606-607; 310 NW2d 819 (1981), under GCR 1963, 785.7. The Court there acknowledged that, in an habitual offender proceeding, the lower court must comply with the court rule requirements (i.e. to establish that the plea was intelligently, understandingly and voluntarily given). The Court went on to state, however, that at a plea-taking, “nothing in the language of GCR 1963, 785.7 requires an explanation of good time to a defendant.” *Owens*, 108 Mich App at 607.

Here, we find nothing in the language of the current court rule that requires the lower court to explain to an habitual offender that he will actually have to *serve* his entire minimum sentence.

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

Affirmed.

/s/ Michael J. Kelly
/s/ Henry William Saad
/s/ Harry A. Beach