

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK ARTHUR ANDERSON,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 185463
Macomb Circuit
LC No. 94-002513-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to first-degree retail fraud, MCL 750.356; MSA 28.588, and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was sentenced to one year in the county jail, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Because defendant was on parole at the time he committed the instant offense, he is not entitled to credit against his sentence for time served in the county jail prior to sentencing. MCL 791.238; MSA 28.2308; *People v Stewart*, 203 Mich App 432, 433; 513 NW2d 147 (1994); *People v Brown*, 186 Mich App 350; 463 NW2d 491 (1990); *People v Watts*, 186 Mich App 686; 464 NW2d 715 (1991). Moreover, we note that this issue appears to be moot in light the March 18, 1996 order that allowed defendant to attend and complete a ninety-day in-patient treatment program in lieu of serving the balance of his jail sentence. See *People v Greenberg*, 176 Mich App 296; 439 NW2d 336 (1989).

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

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

Affirmed.

/s/ Daniel F. Walsh
/s/ Robert P. Griffin
/s/ Walter P. Cynar