

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAMEER A. MUHAMMAD,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 191028

Oakland Circuit Court

LC No. 92-115983-FH

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

MEMORANDUM.

Defendant pleaded guilty to first-degree retail fraud 750.356; MSA 28.588, and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was ultimately sentenced, after receiving a delayed sentence and failing to appear for a scheduled hearing, to two to fifteen 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 is not entitled to sentence credit for the time served in the Oakland County Jail in connection with the unrelated first-degree retail fraud case. Because defendant was not serving time for the instant convictions and because he actively evaded detection by authorities, he is not entitled to any sentence credit in this case. MCL 769.11b; MSA 28.1083(2); *People v Prieskorn*, 424 Mich 327, 344; 381 NW2d 646 (1985).

Defendant waived the requirement that he be sentenced within one year of his guilty pleas by failing to appear at the delayed sentencing hearing and by attempting to avoid detection after his arrest in

*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.

the unrelated first-degree retail fraud case. MCL 771.1(2); MSA 28.1131(2); *People v Richards*, 205 Mich App 438, 440-441; 517 NW2d 823 (1994).

Affirmed.

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