

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HARRY LEE ROBERSON,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 191223

Kent Circuit Court

LC No. 94-003184-FH

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

MEMORANDUM.

Defendant pleaded guilty to attempted possession with intent to deliver less than fifty grams of cocaine, MCL 750.92; MSA 28.287 and MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to two years' probation, with the first year to be served in the county jail. He appeals as of right, asserting that his right to a speedy trial was violated. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

A speedy trial claim, whether based on the constitutional or statutory guarantee, is waived by an unconditional guilty plea. *People v Smith*, 438 Mich 715, 719, 739; 475 NW2d 333 (1991); *People v Depifanio*, 192 Mich App 257, 258; 480 NW2d 616 (1991). The record indicates that defendant's guilty plea was an unconditional one. Therefore, appellate review of this issue is waived.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

*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.

/s/ Walter P. Cynar