

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD DEAN STEIN,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 193585

Calhoun Circuit Court

LC No. 95-000615-FH

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded nolo contendere to prison escape, MCL 750.193; MSA 28.390, and was sentenced to nine to sixty months' imprisonment, to be served consecutive to the sentence he was serving at the time of the escape. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not err in failing to dismiss the charges against defendant because of an alleged violation of the 180-day rule. The prison escape occurred while defendant was incarcerated and, therefore, the 180-day rule is inapplicable to this case. MCL 780.131(2)(a); MSA 28.969(1)(2)(a); *People v Corlew*, 186 Mich App 320, 322; 463 NW2d 243 (1990). To the extent that defendant argues that his right to a speedy trial was violated, such a claim was waived by his unconditional no contest plea. *People v Smith*, 438 Mich 715, 719, 739; 475 NW2d 333 (1991).

*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