

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID A. ROBINSON,

Defendant-Appellant.

UNPUBLISHED

May 2, 1997

No. 186781

Kent Circuit Court

LC No. 94-2164 FH

Before: Taylor, P.J., and Hood and Gribbs, JJ.

MEMORANDUM.

Defendant was arrested on July 11, 1994, at which time police officers conducted a pat-down search and found a pistol in defendant's possession. After defendant was transported to jail in a police cruiser, the cruiser was searched and an officer found a tinfoil packet and a crumpled piece of paper, both of which appeared to contain crack cocaine. Defendant was subsequently charged with carrying a concealed weapon, MCL 750.227; MSA 28.424, possession of less than 50 grams of cocaine, MCL 333.7403(2)(a)(iv); MSA 14.15(7403)(2)(a)(iv), and felon in possession of a firearm, MCL 750.224f; MSA 28.421(6). He was also charged as a second drug offender pursuant to MCL 333.7413; MSA 14.15(7413) and as a fourth felony offender pursuant to MCL 769.12; MSA 28.1084.

The prosecutor filed a forfeiture complaint under MCL 333.7521 *et seq.*; MSA 14.15(7521) *et seq.*, seeking forfeiture of a pager, a watch, four gold and diamond rings, and three gold bracelets. Between the time that the forfeiture judgment was signed and entered, defendant entered into a plea agreement by which he agreed to plead guilty as an habitual offender, third offense, to carrying a concealed weapon, MCL 750.227; MSA 28.424, in exchange for the prosecutor's promise to drop the other pending charges. Defendant was sentenced to 1-1/2 to 10 years' imprisonment.

Defendant now appeals as of right, arguing that his criminal conviction following the civil forfeiture for the same offense violated double jeopardy principles. There is no merit to this issue. *People v Acoff*, 220 Mich App 396; ___ NW2d ___ (1996). On the facts of this case, the forfeiture is not so punitive in purpose or effect that it is equivalent to a criminal proceeding. *Id* at 399. See also *In re Forfeiture of \$25,505*, 220 Mich App 572; ___ NW2d ___ (1996).

Affirmed.

/s/ Clifford W. Taylor

/s/ Harold Hood

/s/ Roman S. Gibbs