

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee

v

MARK DARRYL SMITH,

Defendant-Appellant

UNPUBLISHED

June 6, 1997

No. 170800

Recorder's Court

LC No. 93-6048

Before: White, P.J., and MacKenzie and E. R. Post*, JJ.

MEMORANDUM.

In *People v Irwin*, 192 Mich App 216; 480 NW2d 611 (1991), a panel of this Court held that defendant's unconditional plea of guilty waives any claim he might otherwise make under the speedy trial statute, MCL 780.131 *et seq.*; MSA 28.969(1) *et seq.* *Irwin* is binding under Administrative Order 1996-4. Even if defendant's guilty plea did not waive the issue, it does not appear that the prosecutor was notified of the pending charge. Additionally, because during his guilty plea defendant acknowledged that this offense was perpetrated while defendant was on parole, defendant was subject to mandatory consecutive sentencing, *Wayne County Prosecutor v Department of Corrections*, 451 Mich 569, 548 NW2d 900 (1996), and therefore the statute would not apply. See *People v Smith*, 438 Mich 715; 475 NW2d 333 (1991); *People v Conner*, 209 Mich App 419; 531 NW2d 734 (1995).

Affirmed.

/s/ Helene N. White

/s/ Barbara B. MacKenzie

/s/ Edward R. Post

* Circuit judge, sitting on the Court of Appeals by assignment.