

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM JABZE TREMAIN,

Defendant-Appellant.

UNPUBLISHED

June 20, 1997

No. 197366

St. Clair Circuit Court

LC No. 95-3437 FH

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Defendant claims an appeal from his guilty plea-based conviction of felonious driving and sentence to one year incarceration. This case is being decided without oral argument pursuant to MCR 7.214(E).

At the outset, we reject the prosecutor's jurisdictional challenge. Defendant's crime was committed prior to amendment of Const 1963, art 1, §20, effective December 24, 1994, and accordingly defendant retained the right to appeal following entry of a judgment of sentence after a guilty plea. See the Supreme Court's Statement on Amendment of the Court Rules following the passage of Proposition B, 447 Mich *cl* (1994).

The trial court more than adequately articulated appropriate reasons for the sentence imposed. See *People v Broden*, 428 Mich 343; 408 NW2d 789 (1987). Defendant's challenge to the conditions of restitution in his original sentence is moot, the trial court having vacated those aspects of the sentence by its order of April 25, 1996. Defendant's unconditional plea of guilty waives the right to assert denial of his right to speedy trial on appeal. *People v Depifanio*, 192 Mich App 257, 258; 480 NW2d 616 (1991). To the extent defendant may be seen to claim that his due process right to a fair trial has been infringed by pre-arrest delay, his plea of guilty also waived such a contention, obviating any concern that the defense had been substantially prejudiced by the delay. *People v White*, 208 Mich App 126, 134; 527 NW2d 34 (1995).

Affirmed.

/s/ Hilda R. Gage
/s/ Maureen Pulte Reilly
/s/ Joel P. Hoekstra