

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES EARL,

Defendant-Appellant.

---

UNPUBLISHED  
September 5, 1997

No. 188637  
Recorder's Court  
LC No. 95-001337 FY

Before: O'Connell, P.J., and White and C. F. Youngblood\*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of manslaughter, MCL 750.321; MSA 28.553, and received an enhanced term of imprisonment of six to sixteen years, reflecting his status as a fourth offender, MCL 769.12; MSA 28.1084. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court correctly denied defendant's request for 180 days of sentence credit. Because defendant was on parole at the time of the commission of the offense for which he stands convicted in this case, the instant sentence must be served consecutively to the remaining term imposed for the paroled offense, MCL 768.7a(2); MSA 28.1030(1)(2); *People v Brown*, 186 Mich App 350, 359; 463 NW2d 491 (1990), and the sentence credit must be applied against the remaining portion of defendant's sentence for the paroled offense, *People v Stewart*, 203 Mich App 432, 433; 513 NW2d 147 (1994); *People v Watts*, 186 Mich App 686, 687; 464 NW2d 715 (1991); *Brown, supra*. An application of sentence credits in this manner does not violate either defendant's due process or equal protection rights. *Stewart, supra* at 434.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Helene N. White  
/s/ Carole F. Youngblood

---

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

