

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

IGNACIO BERMUDEZ, JR,

Defendant-Appellant.

UNPUBLISHED

January 9, 1998

No. 195854

Ingham Circuit Court

LC No. 94-068282 FC

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

MEMORANDUM.

Defendant pleaded guilty to assault with intent to commit murder, MCL 750.83; MSA 28.278, and was sentenced to a term of imprisonment of 99 to 240 months to be served concurrently with a federal sentence previously imposed. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We reject defendant's argument that he is entitled to additional sentence credit pursuant to MCL 769.11b; MSA 28.1083(2). Defendant has failed to present evidence contradicting the instant record, which indicates that defendant received sentence credit for the time he spent incarcerated following his arrest and before posting bond and following the revocation of his bond in this case and until his bond was revoked in a federal criminal proceeding commenced against defendant during the pendency of the instant case. Defendant received the sentence credit to which he was entitled under the sentence credit statute. *People v Prieskorn*, 424 Mich 327, 340-341; 381 NW2d 646 (1985); *People v Ovalle*, 222 Mich App 463, 468-469; ___ NW2d ___ (1997).

We likewise reject defendant's argument that he has a due process entitlement to additional sentence credit. Defendant misplaces his reliance on *People v Gleason*, 139 Mich App 445; 363 NW2d 3 (1984), and *People v Parshay*, 104 Mich App 411; 304 NW2d 593 (1981). These cases were not decided on due process grounds. Instead, this Court upheld the awards of sentence credit under a "liberal" construction of the sentence credit statute. *Gleason, supra*, 447; *Parshay, supra*, 414-418. Our Supreme Court expressly repudiated the liberal construction accorded the statute in these cases in favor of a construction that allows an award of sentence credit only for time served as a

result of being denied or unable to furnish bond for the offense of which the defendant is convicted. *People v Adkins*, 433 Mich 732; 449 NW2d 400 (1989); *Prieskorn, supra*.

We decline to address defendant's arguments that the failure to award additional sentence credit violates his right to equal protection under the laws, US Const, Ams V, XIV; Const 1963, art 1, § 2, and to be free from being twice placed in jeopardy, US Const, Ams V, XIV; Const 1963, art 1, § 15, in light of defendant's failure to adequately brief these arguments. *Mitcham v City of Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959).

Affirmed.

/s/ Hilda R. Gage

/s/ William B. Murphy

/s/ Maureen Pulte Reilly