

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ANDRE BOST,

Defendant-Appellee.

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UNPUBLISHED  
February 17, 2004

No. 243382  
Wayne Circuit Court  
LC No. 02-008037

Before: Cooper, P.J., and O’Connell and Fort Hood, JJ.

MEMORANDUM.

The prosecutor appeals as of right from a circuit court order dismissing charges of receiving and concealing stolen property between \$1,000 and \$20,000, MCL 750.535(3)(a), and third-degree fleeing and eluding, MCL 257.602a(3), for violation of the 180-day rule, MCL 780.131. We reverse and remand. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The purpose of the 180-day rule is to resolve untried charges against prisoners so that the sentences may run concurrently. *People v Chavies*, 234 Mich App 274, 280; 593 NW2d 655 (1999). Because defendant committed the instant offenses while on parole, a mandatory sentence would be required upon conviction. MCL 768.7a(2). It would therefore be impossible for defendant’s sentences on the instant charges to run concurrently with his prior sentence and therefore the 180-day rule is inapplicable. *Id.* at 280-281; *People v Falk*, 244 Mich App 718, 721-722; 625 NW2d 476 (2001).

Defendant concedes that the trial court erred in dismissing the charges under the 180-day rule, but contends that dismissal was nonetheless proper because his right to a speedy trial was violated. This Court’s review is limited to issues actually decided by the trial court. *People v Evola*, 202 Mich App 178, 180; 507 NW2d 815 (1993). Because it is unclear from the record whether the trial court actually ruled on this issue and because the record is insufficient to permit meaningful review in any event, we decline to address it.

Reversed and remanded for further proceedings consistent with this opinion. Jurisdiction is not retained.

/s/ Jessica R. Cooper  
/s/ Peter D. O'Connell  
/s/ Karen M. Fort Hood