

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE CLAYTON FORD, IV.,

Defendant-Appellant.

UNPUBLISHED
November 6, 1998

No. 199830
Oakland Circuit Court
LC No. 95-140606 FH

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Defendant appeals as of right his guilty plea based conviction for probation violation, based on his failure to comply with oral conditions of probation after sentencing, but before defendant reported to jail. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant pleaded guilty to operating a motor vehicle under the influence of intoxicating liquor, third offense, MCL 257.625; MSA 9.2325, habitual offender, third offense, MCL 769.11; MSA 28.1083, and driving while license suspended, MCL 257.904; MSA 9.2604. Defendant was sentenced on April 4, 1996, but because there was no space available in the work release program, he was not to report to jail until May 25, 1996. The court stated that defendant was not to use alcohol or visit places where it is sold for public consumption, except for his employment. Defendant's driving privileges were revoked for five years. When questioned as to defendant's status before reporting for jail, the court stated that it would enter an enforceable order in case defendant violated the conditions before being jailed.

Defendant was subsequently arrested on another driving offense involving alcohol, and pleaded guilty to violating probation in this case. On appeal, he argues that his conviction is invalid where no written order of probation was entered before the offense that formed the basis of the violation.

A defendant is not denied due process of law when the court gives oral notice of the conditions of his probation, even though the court fails to enter a written order of probation. *People v Stanley*,

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

207 Mich App 300, 303-304; 523 NW2d 892 (1994). Defendant was clearly instructed of the conditions he was required to meet as part of his deferred sentence, and he clearly violated those conditions. The fact that the court later amended the judgment to include the specific terms that defendant was aware he was required to meet did not deprive defendant of due process of law.

We affirm.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski