

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHNNY DARYL TURNBOE,

Defendant-Appellant.

UNPUBLISHED

November 17, 1998

No. 195504

Recorder's Court

LC No. 94-006191

Before: Young, Jr., P.J., and Wahls and Jansen, JJ>

MEMORANDUM.

Defendant appeals by right his conviction for probation violation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On June 5, 1995, defendant, represented by counsel, pleaded guilty to a probation violation charge. Defendant testified that he failed to comply with the terms of his probation when he failed to participate in court-ordered group therapy at the Recorder's Court Psychiatric Clinic. The court accepted the plea. Sentencing was delayed due to adjournments necessitated by the appointment of several substitute counsel. Prior to sentencing, a psychiatric evaluation was performed, and the court determined that defendant was competent.

MCL 330.2020; MSA 14.800(1020) provides that a defendant shall be presumed competent to stand trial. A defendant may be found incompetent to stand trial only if he is incapable of understanding the nature and object of the proceedings against him, or of assisting in his defense in a rational manner. The trial court obtained a competency evaluation and determined that defendant was competent. Defendant presented no evidence of incompetence, and there is no showing that the trial court erred in finding him competent to enter a plea. *People v Belanger*, 73 Mich App 438; 252 NW2d 472 (1977).

Defendant claims that he was denied his right to a speedy trial. However, this claim is centered on an unrelated charge of assault with intent to commit great bodily harm. That charge is not part of the instant appeal. The delays in sentencing were caused by repeated substitution of defense counsel, and are chargeable to defendant. Where defendant received credit for time served, there is no showing that

he was prejudiced by the delay. Where defendant had entered his guilty plea prior to the delays, the trial court did not err in continuing defendant's bond pending sentencing. MCR 6.106.

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Myron H. Wahls

/s/ Kathleen Jansen