

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER ARMBRISTER,

Defendant-Appellant.

UNPUBLISHED

May 3, 1996

No. 181220

LC No. 94-009138

Before: Murphy, P.J., and Reilly and C.W. Simon, Jr.,* JJ.

MEMORANDUM.

Defendant pleaded guilty to unarmed robbery, MCL 750.530; MSA 28.798. The trial court sentenced him to imprisonment for four to fifteen years. Defendant appeals as of right, and we affirm.

Defendant argues that a miscarriage of justice occurred when he was not permitted to withdraw his guilty plea before sentencing. Defendant has failed to preserve this issue for appeal because he did not move to withdraw his plea in the trial court. MCR 6.310(B); *People v Strong*, 213 Mich App 107, 110-111; 539 NW2d 736 (1995). Defendant argues that he attempted to withdraw the plea by saying that the robbery did not happen. The following excerpt from the sentencing transcript contradicts defendant's contention that he attempted to withdraw his guilty plea:

THE COURT: Why did you do this then? This is not your first time.

THE DEFENDANT: That's not what happened.

THE COURT: What happened?

THE DEFENDANT: The guy was trying to buy some weed from me and he called himself trying to snatch the weed from me and running.

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

THE COURT: You shouldn't have been out there for selling weed. You want to go to trial?

THE DEFENDANT: No.

THE COURT: You got a good lawyer. I don't want to send you to jail if you're innocent believe me. Because I'm going to send you to jail. Now, if you're innocent, now is the time to speak or forever hold your peace. It's going to cost you four years that's what you're getting. Anything else you want to say?

THE DEFENDANT: No.

The foregoing excerpt from the sentencing transcript reveals that defendant did not attempt to withdraw his guilty plea. To the contrary, defendant specifically stated that he did not want to go to trial and said nothing when the trial judge told him that he did not want to send an innocent man to jail and gave him an opportunity to speak. Accordingly, defendant has not preserved this issue for appeal.

Affirmed.

/s/ William B. Murphy
/s/ Maureen Pulte Reilly
/s/ Charles W. Simon, Jr.