

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SYLVESTER CHARLES BROWN,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 184691

LC No. 94-002604-FH

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to first-degree retail fraud, MCL 750.356c; MSA 28.588(3), and habitual offender, second offense, MCL 769.10;MSA 28.1082. He was sentenced to two to three years' imprisonment, and now appeals as of right. During the pendency of this appeal, the trial court denied defendant's motion to withdraw his plea or resentencing. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Having considered the record and defendant's arguments on appeal, we are not persuaded that the trial court clearly abuse its discretion in denying his post-sentencing motion to withdraw the pleas. No miscarriage of justice occurred. *People v Effinger*, 212 Mich App 67; 536 NW2d 809 (1995). See also *People v Jackson*, 203 Mich App 607; 613; 513 NW2d 206 (1994); *People v Thew*, 201 Mich App 78, 95; 506 NW2d 547 (1993).

We further hold that an understanding plea did not require that defendant be advised by the trial court of the possible consecutive sentencing consequences for his plea-based convictions in both this case and an unrelated case. *People v Boswell*, 95 Mich App 405; 291 NW2d 57 (1980). See also

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

Guilty Plea Cases, 395 Mich 96, 118; 235 NW2d 132 (1975); *People v Jahner*, 433 Mich 490, 502-503; 446 NW2d 151 (1989); MCR 6.302(B).

Defendant's claim regarding the information in the presentence report has not been preserved for consideration because it was not raised at sentencing. *People v Sharp*, 192 Mich App 501; 481 NW2d 773 (1992). Therefore, the trial court's refusal to grant relief with respect to this claim during the post-sentencing proceedings was not error.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.