

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID BENJAMIN WINCHELL,

Defendant-Appellant.

UNPUBLISHED

August 16, 1996

No. 172631

LC No. 93-001383 FH

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

MEMORANDUM.

Defendant pleaded guilty to prison escape, MCL 750.193; MSA 28.390, and was sentenced to thirteen to sixty months' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant has waived appellate review of his challenge to the sufficiency of the factual basis for his plea by failing to move to withdraw the plea in the trial court. *People v Beasley*, 198 Mich App 40, 43; 497 NW2d 200 (1993). Defendant's only recourse is to seek relief from the trial court through a motion for relief from judgment. MCR 6.502.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.