

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

October 4, 1996

Plaintiff-Appellee,

v

No. 187826

LC No. 94-003929-FC

WILLIAM REESE,

Defendant-Appellant.

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded guilty to second-degree murder, MCL 750.317; MSA 28.549, and habitual offender, second offense, MCL 769.10; MSA 28.1082, for which he was sentenced to life imprisonment. Defendant appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not abuse its discretion when it denied defendant's motion to withdraw his pleas. *People v Spencer*, 192 Mich App 146, 150; 480 NW2d 308 (1991). Defendant failed to carry his burden of demonstrating that the interests of justice would be served by allowing the withdrawal because his claim of a valid defense is unsupported in the record and because he made no offer of proof and submitted no evidence in support of his motion below. MCR 6.310(B); *People v Gomer*, 206 Mich App 55, 57-59; 520 NW2d 360 (1994); *People v Jackson*, 203 Mich App 607, 611-613; 513 NW2d 206 (1994); *People v Thomas (After Remand)*, 83 Mich App 235, 238; 268 NW2d 356 (1978).

Although the trial court did not adequately honor its duty to hear defendant's request for the appointment of substitute counsel, *People v Ginther*, 390 Mich 436, 441-442; 212 NW2d 922 (1973); *People v Ceteways*, 156 Mich App 108, 118; 401 NW2d 327 (1986), we conclude that this failure does not rise to the level of error requiring reversal. The court's failure to fully explore

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

defendant's claims was harmless because defendant failed to advance a claim sufficient to call into question the adequacy of counsel's representation. *Ginther, supra*, 442. On the record before us, we conclude that counsel's advice fell within the range of competent representation demanded of attorneys in criminal cases. *People v Effinger*, 212 Mich App 67, 69-71; 536 NW2d 809 (1995).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan