

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROGER ALLEN FLUES, JR., a/k/a BUTCH FLUES,

Defendant-Appellant.

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UNPUBLISHED  
February 25, 1997

No. 181482  
Bay Circuit  
LC Nos. 91-001362-FH;  
94-001286-FH

Before: D.F. Walsh,\* P.J., and R.P. Griffin\*\* and W.P. Cynar,\* JJ.

MEMORANDUM.

Defendant pleaded guilty to operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, third offense, MCL 257.625 (7)(d); MSA 9.2325(7)(d), and nolo contendere to receiving or concealing stolen property over \$100, MCL 750.535; MSA 28.803. He was sentenced to consecutive terms of one-and-one-half to five years' imprisonment for each conviction, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court did not abuse its discretion in denying defendant's motions for plea withdrawal. *People v Eloby (After Remand)*, 215 Mich App 472, 474-475; 547 NW2d 48 (1996). The record supports the court's factual determinations and findings with reference to MCR 6.302 and *People v Killebrew*, 416 Mich 189; 330 NW2d 834 (1982). Further, defendant has not shown that he was denied the effective assistance of counsel. *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994).

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\*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

\*\*Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar