

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN JESSE ROCHA,

Defendant-Appellant.

UNPUBLISHED
February 25, 1997

No. 185757
Saginaw Circuit Court
LC No. 94-008952-FH

Before: Fitzgerald, P.J., and Griffin and M.R. Knoblock,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant entered a conditional plea of guilty to child sexually abusive activity, MCL 750.145c(2); MSA 28.342a, extortion, MCL 750.213; MSA 28.410, and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was sentenced to ten to twenty years' imprisonment, 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's decision to grant plaintiff's motion to dismiss the misdemeanor charges did not deprive defendant of a fair trial. *People v Jackson*, 192 Mich App 10, 15; 480 NW2d 283 (1991). Nor did the trial court err in denying defendant's motion to withdraw his plea. *People v Gomer*, 206 Mich App 55, 57; 520 NW2d 360 (1994); *People v Jackson*, 203 Mich App 607, 613; 513 NW2d 206 (1994). The court also properly denied defendant's motion to suppress evidence. *People v Sloan*, 450 Mich 160; 538 NW2d 380 (1995); *People v Powell*, 201 Mich App 516; 506 NW2d 894 (1993).

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Richard Allen Griffin
/s/ M. Richard Knoblock

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

