

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARNELL MARCISE BOYD,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 185277
Detroit Recorder's Court
LC No. 89-000216

Before: Cavanagh, P.J., and Gage and D.A. Burrell,* JJ.

PER CURIAM.

Defendant pleaded guilty to probation violation and was sentenced to seven to twenty years' imprisonment. He now appeals as of right, and we affirm.

This is defendant's second guilty plea conviction of violating the lifetime probation he received in 1989 for a drug-related conviction. On February 16, 1994, defendant pleaded guilty to probation violation for failure to report to his probation officer. Defendant was represented by counsel at that proceeding, and the trial court advised him of his right to a contested hearing and of the maximum sentence that he faced. At that time, defendant was continued on lifetime probation. Defendant was convicted of armed robbery on August 24, 1994, and sentenced to six to fifteen years' imprisonment. On January 18, 1995, defendant again pleaded guilty to violation of his lifetime probation based on the armed robbery conviction, and was sentenced to seven to twenty years' imprisonment to run concurrently with his sentence for armed robbery.

Defendant argues that he should be permitted to withdraw the second guilty plea to probation violation because the trial court failed to advise him of the maximum possible sentence and failed to advise him of his right to a contested hearing, as required by MCR 6.445(F). At the January 18, 1995 proceeding, defendant's counsel informed the trial court that defendant had indicated that he wished to admit the allegations against him "understanding his statutory rights as it relates to these proceedings and his rights to a hearing." The trial court addressed defendant directly and asked if he wished to plead

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

guilty to probation violation as charged, and defendant responded affirmatively. The court further questioned defendant on the factual support supporting a finding of guilt of probation violation and then accepted his guilty plea.

Defendant has not preserved this issue for our review because he did not move to withdraw his plea in the trial court, as required by MCR 6.311(C). *People v Dixon*, 217 Mich App 400, 410; ___ NW2d ___ (1996). Moreover, defendant was represented by counsel, indicated to the trial court that he understood his statutory rights, and had been fully informed of his rights and the maximum prison sentence that he faced at the first probation revocation proceeding.

Affirmed.

/s/ Michael J. Cavanagh

/s/ Hilda R. Gage

/s/ Daniel A. Burrell