

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

COZY LEE DAWKINS,

Defendant-Appellant.

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UNPUBLISHED

March 7, 1997

No. 192009

Saginaw Circuit Court

LC No. 92-006570-FC

AFTER REMAND

Before: Cavanagh, P.J., and Holbrook, Jr., and Michael J. Kelly, JJ.

PER CURIAM.

This case is before us for the second time. In our previous opinion, we held that the trial court's failure to address defendant's request for substitution of appointed counsel required reversal of defendant's convictions and remand for a new trial. *People v Dawkins*, unpublished opinion per curiam of the Court of Appeals (Docket No. 164305, issued 8/4/95). The Supreme Court vacated that opinion and ordered that the case be remanded to the trial court for an evidentiary hearing. 450 Mich 951 (1995). Following the hearing, the trial court denied defendant's motion for a new trial. We affirm.

An indigent criminal defendant is constitutionally guaranteed the right to counsel, but he is not entitled to have the attorney of his choice appointed simply by requesting a substitution of the attorney originally appointed to represent him. The decision regarding substitution of counsel is within the sound discretion of the trial court, upon a showing of good cause and that the substitution will not unreasonably disrupt the judicial process. *People v Cumbus*, 143 Mich App 115, 121; 371 NW2d 493 (1985); *People v Meyers (On Remand)*, 124 Mich App 148, 165; 335 NW2d 189 (1983).

Here, defendant argues that he is entitled to a new trial because counsel and the trial court ignored his request for substitution of counsel. To prevail on such a claim, defendant must show that he suffered prejudice as a result of the court's refusal to substitute counsel. *Cumbus, supra* at 121; *People v Hernandez*, 84 Mich App 1, 8; 269 NW2d 322 (1978). Given that defendant has expressly indicated that trial counsel's representation was not ineffective, we are compelled to conclude that

defendant suffered no prejudice as a result of the court's refusal to appoint substitute counsel. Accordingly, defendant has not shown entitlement to a new trial on this basis.

Affirmed.

/s/ Michael J. Cavanagh

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly