

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TERRY LEE FAIN,

Defendant-Appellant.

UNPUBLISHED

April 1, 1997

No. 186369

Berrien Circuit Court

LC No. 94-004301-FC

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

MEMORANDUM.

Defendant pleaded guilty to assault with intent to commit criminal sexual conduct involving sexual penetration, MCL 750.520g(1); MSA 28.788(7)(1), and was sentenced to five to ten years' imprisonment. He 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 in denying defendant's post-sentencing motion to withdraw his plea. *People v Effinger*, 212 Mich App 67; 536 NW2d 809 (1995). Further, the trial court did not err in denying an evidentiary hearing based on the offer of proof presented by defendant. *People v Serr*, 73 Mich App 19, 25-26; 250 NW2d 535 (1976).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

*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.