

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TERRENCE PAUL KING,

Defendant-Appellant.

UNPUBLISHED
October 10, 1997

No. 195212
Recorder's Court
LC No. 95-005661

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

Defendant appeals by right his jury convictions of carjacking and armed robbery. He contends that the trial court abused its discretion in denying his motion for new trial based on newly discovered evidence, consisting of the recantation of the principal identification witness at trial, a confederate in the crime.

Although this witness had purported to recant at his own sentencing on a plea bargained conviction to a reduced charge, after being examined by the court under oath, the witness validated his prior testimony against defendant as well as the factual basis given under oath in support of his own guilty plea. Having determined that the recantation was itself recanted, the trial court did not abuse its discretion in denying defendant's motion for new trial on this basis. *People v Lowenstein*, 309 Mich 94, 98-99; 14 NW2d 794 (1944).

Affirmed.

/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh
/s/ Henry W. Saad