

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEVIN ARION-DESHAUN WILLIAMS, a/k/a
JERMAINE ALONZO MARTIN, a/k/a KEVIN
AFTON WILLIAMS, a/k/a KEVIN ARION
SHAWN WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

April 7, 2005

No. 251458

Washtenaw Circuit Court

LC No. 02-002028-FH

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Defendant was found guilty by a jury of first-degree home invasion, MCL 750.110, and was sentenced to ten to twenty years' imprisonment. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that the trial court erred in admitting evidence under MRE 404(b) of a similar break in at another home. However, defendant did not object to this evidence, but instead indicated that he would "leave this to the court's discretion." Defendant cannot acquiesce in a ruling and then raise it as an issue on appeal. *People v Aldrich*, 246 Mich App 101, 111; 631 NW2d 67 (2001). Moreover, there is no plain error. See MRE 103(d). The similarities between the crimes, particularly the careful placement of windowsill items on the ground or deck outside each window, the method and time of entry into the homes, and the fact that defendant was in possession of the vehicle owned by the other victim and the credit cards owned by the victim of the subject crime at the time of his arrest, indicated that defendant committed the uncharged home invasion and that he was the same person who had committed the crime charged. Admission under MRE 404(b) was therefore proper.

Defendant next argues that the trial court erred in failing to appoint new counsel when requested on the day of trial. He acknowledges that substitute counsel will be appointed only on a showing of good cause and where it will not unreasonably disrupt the judicial process. *People v Traylor*, 245 Mich App 460, 462; 628 NW2d 120 (2001). Here, it appears that counsel recommended that defendant accept or pursue a plea offer and that defendant therefore questioned his counsel's commitment to go forward. Defendant did not state good cause for an

eleventh hour substitution of counsel. Therefore, the trial court did not err in denying defendant's request for new counsel.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder