

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 28, 1997

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

No. 175076
Saginaw Circuit
LC No. 93-008081-FH

ROOSEVELT JONES,

Defendant-Appellant.

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

MEMORANDUM.

Defendant pleaded guilty of possession with intent to deliver marijuana, MCL 333.7401(2)(c); MSA 14.15(7401)(2)(c), and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was sentenced to two-and-a-half to ten years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant first argues that the search warrant authorizing a search of his house did not justify a search of his car, which was parked in the driveway. The police had no prior knowledge that the vehicle was being used to store drugs, but were told during the house's search that drugs were stored in the car. We need not reach the issue of whether the scope of the warrant's description of the place to be searched included automobiles parked in the driveway. Instead, we hold that exigent circumstances justified a search of the automobile even without a warrant. *People v Esters*, 417 Mich 34; 331 NW2d 211 (1982).

*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.

The circuit court did not abuse its discretion in denying defendant's motion to withdraw his plea after sentencing. *People v Effinger*, 212 Mich App 67; 536 NW2d 67 (1995). Defendant's contention that he was promised a more lenient sentence is belied by the plea transcript and by his family members' testimony at the evidentiary hearing.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar