

STATE OF MICHIGAN  
COURT OF APPEALS

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WILLIAM L. FISHER,

Plaintiff-Appellant,

v

FIFTY-SECOND DISTRICT JUDGE,

Defendant-Appellee.

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UNPUBLISHED

April 29, 1997

No. 192106

Oakland Circuit Court

LC No. 95-507934-AS

Before: Sawyer, P.J., and Saad and Gage, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court order dismissing his complaint for superintending control. We affirm.

Plaintiff pleaded guilty to a charge involving domestic violence in the district court. The district court accepted the plea, but before sentencing, plaintiff moved to withdraw the plea. The district court denied that request. Prior to sentencing, plaintiff filed a complaint for superintending control in the circuit court requesting that the court direct the district court to grant the motion to withdraw. Upon defendant's motion, the circuit court dismissed plaintiff's complaint pursuant to MCR 3.302(D)(2) on the finding that plaintiff could appeal the district court's ruling.

Plaintiff first asserts that the circuit court erred in allowing defendant to be represented by Oakland County corporation counsel. Plaintiff argues that defendant is a state officer and, therefore, may not be represented by counsel retained by the county. Plaintiff cites no authority for this proposition. A party may not leave it to this Court to search for authority to sustain or reject its claim of error. *American Transmissions, Inc v Attorney General*, 216 Mich App 119, 121; 548 NW2d 665 (1996). Hence, we conclude that this issue has been abandoned.

Next, plaintiff argues that the circuit court erred in finding that he could have appealed from the district court's ruling. We disagree. A writ of superintending control is a form of relief that is limited to extraordinary circumstances. *In re People v Burton*, 429 Mich 133, 142-143; 413 NW2d 413 (1987). Where another adequate remedy is available, "a complaint for superintending control may not be filed." MCR 3.302(B). Furthermore, "[i]f superintending control is sought and an appeal is

available, the complaint for superintending control must be dismissed.” MCR 3.302(D)(2); *Barham v Workers’ Compensation Appeals Bd*, 184 Mich App 121, 127; 457 NW2d 349 (1990).

Accepting plaintiff’s version of the district court proceedings as true, he could have filed an application for leave to appeal to the circuit court from the ruling on the motion to withdraw the plea. MCL 600.8342(3); MSA 27A.8342(3). Appeal is the accepted method to review a trial court’s decision denying a defendant’s motion to withdraw a guilty plea that has been accepted. See *People v Gomer*, 206 Mich App 55, 56; 520 NW2d 360 (1994); *People v Jackson*, 203 Mich App 607, 610-611; 513 NW2d 206 (1994). Thus, the circuit court did not err in dismissing plaintiff’s complaint. MCR 3.302(D)(2).

Affirmed.

/s/ David H. Sawyer  
/s/ Henry William Saad  
/s/ Hilda R. Gage