

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN PAUL ORLOWSKI,

Defendant-Appellant.

UNPUBLISHED
September 9, 1997

No. 196332
Alpena Circuit Court
LC Nos. 91-004136-FH
91-004137-FH
91-004138-FH
91/004139-FH

Before: Saad, P.J., and Neff and Reilly, JJ.

PER CURIAM.

Defendant appeals by right his probation violation convictions. In four separate cases, defendant was originally convicted pursuant to a guilty plea of breaking and entering with the intent to commit larceny, MCL 750.110; MSA 28.305. Defendant was sentenced to five years' probation; the first term of his probation was that he not violate any criminal law of the state. During the period of his probation, defendant was convicted of first-degree retail fraud, MCL 750.356c; MSA 28.588(3). Based on this conviction, defendant was found guilty of probation violation and was sentenced to four concurrent terms of five to ten years' imprisonment. We affirm.

Defendant first argues that the trial court failed to properly arraign him. We disagree. The court ensured that defendant had received written notice of the alleged violation. Defendant was made aware of his right to contest the charge at a hearing. Although the court did not specifically advise defendant that he had the right to appointed counsel, defendant was in fact represented by appointed counsel. A defendant need not be advised of his right to counsel when he is already represented by counsel. *People v Spears*, 146 Mich App 377, 379; 380 NW2d 111 (1985). The court also decided not to release defendant. It set a hearing for the next day. Thus, all the requirements of MCR 6.445 were met.

Defendant alleges that his arraignment was improper because the trial court erred by questioning him at the May 7, 1996 hearing as to whether he wanted to enter a plea, citing MCR 6.104(E)(6). We disagree. MCR 6.445(F), which governs probation violation proceedings, specifically states that "the

probationer may, at the arraignment or afterward, plead guilty to the violation.” Thus, the trial court did not err in asking if defendant wanted to enter a plea. Though MCR 6.104(E) prohibits a court from requesting the accused to enter a plea at an arraignment, MCR 6.445 controls because it specifically applies to probation violation proceedings.

Defendant next contends that the trial court erred in proceeding with the probation violation hearing after defendant requested different counsel. Defendant fails to cite any authority to support his position. Arguments made without the support of cited authority are deemed abandoned on appeal. In *re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995). “A party may not merely announce his position and leave it to [this Court] to discover and rationalize the basis for his claim.” In *re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992). Furthermore, “a defendant is entitled to have his assigned lawyer replaced upon a showing of adequate cause. . . .” *People v Flores*, 176 Mich App 610, 613-614; 440 NW 2d 47 (1989). Because defendant failed to state any reason for his request for substitute counsel, the trial court did not err in ordering defendant to continue with his appointed counsel or represent himself.

Finally, defendant claims that he was denied the effective assistance of counsel. Defendant has again failed to cite any authority for, and has therefore waived, his argument. In *re Powers*, *supra* at 588; In *re Toler*, *supra* at 477. Furthermore, the record does not demonstrate that defendant’s trial counsel erred or that defendant was prejudiced by counsel's representation.

Affirmed.

/s/ Henry William Saad
/s/ Janet T. Neff
/s/ Maureen Pulte Reilly