

STATE OF MICHIGAN
COURT OF APPEALS

In the matter of Rafiki Dixon, minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAFIKI EKUNDU DIXON,

Defendant-Appellant.

UNPUBLISHED

December 16, 1997

No. 197759

St. Clair Probate Court

LC No. 94-000241

Before: O'Connell, P.J., and White and C. F. Youngblood*, JJ.

MEMORANDUM.

Defendant appeals by right his adjudication of delinquency arising from a jury finding of culpability on a charge of breaking and entering a place of business. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first contends that the trial court erred in denying his attorney's motion to withdraw. The motion was filed only a week before trial and defendant refused to waive the 63-day time limit for bringing the case to trial. In any event, the motion to withdraw was based only on the desire of defendant's father to have counsel file motions counsel felt were unwarranted by the facts and the law. This is the same delaying tactic defendant and defendant's father had used in a prior delinquency proceeding (this Court's Docket No. 186748). No claim was made that counsel was unprepared to try the case, had not diligently prepared for trial, or that counsel did not render an acceptable level of professional performance at trial. No good cause was shown for substitution of counsel, and the trial court did not abuse its discretion in denying the motion. *People v Mack*, 190 Mich App 7; 475 NW2d 830 (1991); *People v Flores*, 176 Mich App 610; 440 NW2d 47 (1989).

Defendant next contends that the trial court erred in admitting into evidence a transcript of a codefendant's guilty plea, in which a reference to defendant was made as being one of the participants in the burglary. The witness had already been impeached with this statement on direct examination and

* Circuit judge, sitting on the Court of Appeals by assignment.

admitted making this prior statement. Thus, any error in admitting the evidence was harmless. *People v Rodriquez (On Remand)*, 216 Mich App 329, 332; 549 NW2d 359 (1996).

Affirmed.

/s/ Peter D. O'Connell

/s/ Helene N. White

/s/ Carole F. Youngblood