

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY LEE YOUNG,

Defendant-Appellant.

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UNPUBLISHED

August 3, 1999

No. 212882

Recorder's Court

LC No. 92-007079

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Defendant appeals by right his guilty plea based conviction for possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v). We affirm.

On appeal, defendant argues that the trial court abused its discretion in denying his motion to withdraw his plea, prior to sentencing. Defendant has the burden of showing that it is in the interest of justice to allow him to withdraw his plea. MCR 6.310; *People v Kennebrew*, 220 Mich App 601, 605; 560 NW2d 354 (1996). Defendant's unsubstantiated claim that he was promised a sentence of probation is no more than an unsupported assertion, which is insufficient to meet this burden. *Id.*

Where defendant absconded from the state, committed an additional felony, and was not returned for sentencing until six years after the plea was accepted, the trial court did not abuse its discretion in finding that the interests of justice would not be met by allowing a withdrawal of the plea. *Id.*

Defendant has also failed to show that there was an error in the plea proceeding. The trial court advised defendant of his rights, and determined that the plea was freely, understandingly, and voluntarily made. *In re Guilty Plea Cases*, 395 Mich 96; 235 NW2d 132 (1975). Finally, defendant tendered the plea voluntarily and understandingly, there is no merit to his ineffective assistance of counsel claim. *People v Bordash*, 208 Mich App 1, 2-3; 527 NW2d 17 (1994).

Affirmed.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder