

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GAVIN CULLENS, a Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GAVIN CULLENS,

Defendant-Appellant.

UNPUBLISHED

November 30, 1999

No. 208541

Wayne Juvenile Court

LC No. 95-332262

Before: Jansen, P.J., and Hoekstra and J. R. Cooper*, JJ.

MEMORANDUM.

Defendant appeals as of right from a commitment order entered by the juvenile court on his plea of admission to an incorrigibility petition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that his plea of admission to incorrigibility should not have been accepted because his testimony at the plea proceeding was insufficient to establish a factual basis for the plea. We disagree. In addition to admitting that he ran away from his parents' home for three days shortly before he was placed in a shelter, defendant also admitted that he had problems attending school while living with his parents because he was "getting kicked out for fighting." This testimony is sufficient to provide a factual basis for finding that defendant was "repeatedly disobedient" within the meaning of MCL 712A.2(a)(3); MSA 27.3178(598.2)(a)(3). See *In re Wiess*, 224 Mich App 37, 41; 568 NW2d 336 (1997).

Affirmed.

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

/s/ Kathleen Jansen
/s/ Joel P. Hoekstra
/s/ Jessica R. Cooper