

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JORGE LUIS VARONA,

Defendant-Appellant.

UNPUBLISHED

December 21, 1999

No. 202168

Ingham Circuit Court

LC No. 96-069786 FH

Before: Hoekstra, P.J., and McDonald and Meter, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to indecent exposure, MCL 750.335a; MSA 28.567(1), and was initially sentenced as a sexually delinquent person, MCL 750.10a; MSA 28.200(1), to a term of five to twenty-five years' imprisonment. He was subsequently resentenced to an indeterminate term of one day to life imprisonment in accordance with MCL 750.335a; MSA 28.567(1). Defendant now appeals by delayed leave granted. We affirm.

Defendant argues the trial court abused its discretion by denying his motion to withdraw his no contest plea. Defendant claims he should have been allowed to withdraw his plea because the trial court failed to advise him of the mandatory sentence of one day to life in prison required by MCL 750.335a; MSA 28.567(1). See *People v Kelly*, 186 Mich App 524; 465 NW2d 569 (1990). We find no abuse of discretion.

The record indicates that defendant was informed that the maximum possible penalty was life in prison. MCR 6.302(B)(2). Moreover, defendant tendered his plea in exchange for a sentence agreement and the sentence he received was in accordance with the terms of the sentence agreement. *People v Jackson*, 417 Mich 243, 246; 334 NW2d 371 (1983); *People v Williams*, 126 Mich App 717; 337 NW2d 903 (1983). Accordingly, defendant suffered no harm even assuming the trial court was required to specifically advise him of the alleged one day mandatory minimum sentence. *Id* at 719. Accordingly, the trial court did not abuse its discretion

by denying defendant's motion to withdraw his plea. *People v Ovalle*, 222 Mich App 463, 465; 564 NW2d 147 (1997).

Affirmed.

/s/ Joel P. Hoekstra

/s/ Gary R. McDonald

/s/ Michael R. Smolenski