

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE SAMS,

Defendant-Appellant.

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UNPUBLISHED

January 11, 2000

No. 206814

Wayne Circuit Court

LC No. 95-005791

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted his guilty plea based convictions for assault with intent to murder, MCL 750.83; MSA 28.278, assault with intent to rob while armed, MCL 750.89; MSA 28.284, and felony firearm, MCL 750.227b; MSA 28.424(2). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

After defendant was sentenced, he moved to withdraw his plea, asserting that his mental illness rendered him incompetent to enter a plea. The trial court denied the motion. After defendant filed this appeal, this Court granted his motion to remand and directed the trial court to hold an evidentiary hearing as to defendant's competence. The court received psychiatric reports and defendant's medical record, and heard testimony from defendant's expert, Dr. Michael Abramsky, and his trial counsel. The court again denied the motion to withdraw, finding that defendant understood the questions and answers at the plea proceeding and entered a voluntary plea.

A motion to withdraw a guilty plea made after sentencing is addressed to the sound discretion of the trial court, and that decision will not be reversed absent an abuse of discretion. *People v Ovalle*, 222 Mich App 463; 564 NW2d 147 (1997). A trial court may not accept a plea where there is a bona fide doubt as to the defendant's ability to knowledgeably engage in the plea proceedings. *People v Martin*, 61 Mich App 102; 232 NW2d 191 (1975). The trial court has the duty to raise the issue of incompetence when facts are brought to its attention that raise such a bona fide doubt. *People v Newton (After Remand)*, 179 Mich App 484; 446 NW2d 487 (1989). A defendant may only be found incompetent to stand trial if he is incapable because of his mental condition of understanding the

nature and object of the proceedings against him or of assisting in his defense in a rational manner. MCL 330.2020(1); MSA 14.800(1020)(1).

Defendant failed to show that the trial court abused its discretion in denying his motion. None of the psychiatric evidence established a bona fide question as to defendant's competence to stand trial. Defendant appeared normal at the plea proceedings, answered the court's questions in a rational manner, and gave no indication that he failed to understand the nature and object of the proceedings. There was no basis for ordering an additional competency evaluation.

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage