

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS WOOD,

Defendant-Appellant.

UNPUBLISHED

February 28, 1997

No. 164504

Kent Circuit

LC No. 92-058677-FC

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to second-degree criminal sexual conduct, MCL 750.520c(1)(a); MSA 28.788(3)(1)(a), and was sentenced to two to fifteen years' imprisonment. Defendant appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court did not abuse its discretion when it denied defendant's motion to withdraw his plea. *People v Spencer*, 192 Mich App 146, 150; 480 NW2d 308 (1991). Defendant failed to carry the burden of demonstrating that the interests of justice would be served by allowing the withdrawal. MCR 6.310(B); *People v Gomer*, 206 Mich App 55, 57-59; 520 NW2d 360 (1994); *People v Jackson*, 203 Mich App 607, 611-613; 513 NW2d 206 (1994). Defendant failed to present a colorable claim of recantation. Under such circumstances, the trial court was not required to assess the credibility of the victim and, therefore, was not required to hear testimony from the victim. *People v Blair*, 44 Mich App 469, 471; 205 NW2d 183 (1973).

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

Defendant abandoned on remand his claim that he is entitled to withdraw his plea because it was induced by inaccurate information supplied by defense counsel. Moreover, defendant's challenge to the sentencing guidelines is moot given that defendant has fully served his minimum sentence. See *People v Greenberg*, 176 Mich App 296, 302; 439 NW2d 336 (1989).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar