

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TYRONE RAE COPPY,

Defendant-Appellant.

UNPUBLISHED

December 30, 1997

No. 196151

Genesee Circuit Court

LC No. 95-051911 FH

Before: McDonald, P.J., and Wahls and J. R. Weber*, JJ.

PER CURIAM.

By leave granted, defendant contends that the Genesee Circuit Court abused its discretion in denying his post sentencing motion to withdraw his plea of guilty to attempted second degree home invasion, enhanced by virtue of his third offender status. Defendant claims that he was not told at sentencing that, because the offense was committed while he was on parole, he would be subject to consecutive sentencing. He also argues that the trial court erred in failing to inquire, as mandated by MCR 6.302(C)(4), whether any promises or inducements outside the plea agreement had been made in exchange for his plea.

The failure of the trial court to inquire of defendant regarding additional promises or inducements underlying his plea of guilty, although in violation of the court rule, is not one of those trial court errors which automatically results in appellate relief. See *People v Peterson*, 149 Mich App 158, 159-160; 385 NW2d 635 (1985), and cases there cited. Here, in defendant's motion to withdraw his plea, no claim was made that any additional inducements or promises were offered to defendant, let alone that any such additional incentives were not provided as promised. Thus, any omission of the inquiry required by MCR 6.302(C)(4) was harmless error.

Failure of the trial court to advise defendant that his parole status subjected him to consecutive sentencing does not furnish a proper basis for setting aside the plea. Michigan jurisprudence does not require trial courts to give such advice. *People v Johnson*, 413 Mich 487, 490; 320 NW2d 876 (1982); *People v Brooks*, 135 Mich App 193, 194; 353 NW2d 118 (1984).

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

Accordingly, the trial court did not abuse its discretion in denying defendant's motion to withdraw his plea.

Affirmed.

/s/ Gary R. McDonald

/s/ Myron H. Wahls

/s/ John R. Weber