

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VERONICA HICKS, a/k/a VERONICA LEWES,

Defendant-Appellant.

UNPUBLISHED

July 17, 1998

No. 187807

Recorder's Court

LC No. 93-004960 FH

Before: Griffin, P.J., and Holbrook, Jr., and Neff, JJ.

MEMORANDUM.

Following her entry of a guilty plea to one count of first-degree retail fraud, MCL 750.356c; MSA 28.588(3), two counts of uttering and publishing, MCL 750.249; MSA 28.446, and of being an habitual offender, fourth offense, MCL 769.12; MSA 28.1084, defendant was originally sentenced to two years' probation for the retail fraud conviction and five years' probation for the uttering and publishing convictions. Defendant subsequently pled guilty to violating her probation by failing to report as directed to a substance abuse monitoring and treatment program. The trial court then revoked defendant's probation, and sentenced her to concurrent terms of one to two years' imprisonment for the retail fraud conviction and five to fourteen years' imprisonment for the habitual offender, fourth offense, conviction.¹ Defendant now appeals, and we affirm.

Defendant argues that she should be allowed to withdraw her guilty plea to the violation probation charge because the trial court failed to advise her of the maximum possible sentence that could be imposed for the habitual offender, fourth offense, conviction. Defendant, however, has failed to properly preserve this issue for appellate review by filing a motion with the trial court to withdraw the guilty plea. MCR 6.311(C);² *People v Dixon*, 217 Mich App 400, 410; 552 NW2d 663 (1996). In any event, given that the maximum sentence imposed for the habitual offender, fourth offense, conviction was in keeping with the maximum sentence the trial court indicated it could impose for each uttering and publishing conviction, we see no error requiring reversal.

Affirmed.

/s/ Richard Allen Griffin
/s/ Donald E. Holbrook, Jr.
/s/ Janet T. Neff

¹ The trial court initially sentenced defendant to two terms of five to fourteen years' imprisonment on each uttering and publishing conviction. The court then set those sentences aside and imposed the single five to fourteen years' sentence on the habitual offender, fourth offense, conviction.

² The court rule reads:

A defendant convicted on the basis of a plea may not raise on appeal any claim of noncompliance with the requirements of the rules in this subchapter, or any other claim that the plea was not an understanding, voluntary, or accurate one, *unless the defendant has moved to withdraw the plea in the trial court, raising as a basis for withdrawal the claim sought to be raised on appeal.* [Emphasis added.]