

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CECIL IRA HAND,

Defendant-Appellant.

UNPUBLISHED

November 6, 1998

No. 198946

Macomb Circuit Court

LC No. 94-001780 FH

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Defendant appeals as of right his plea based conviction for third degree criminal sexual conduct, MCL 750.520d(1)(b); MSA 28.788(4)(1)(b). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

After his case was submitted to the jury, defendant agreed to plead no contest to the charge. Defense counsel represented that the no contest plea was warranted by potential civil liability and a lack of memory of details based on the use of alcohol and drugs. Before accepting the plea, the court instructed defendant that the offense required a showing of sexual penetration using force or coercion, and defendant stated that he understood the charge.

Defendant has failed to show that his plea was involuntary, or that the court abused its discretion in denying his motion to withdraw the plea. *People v Ovalle*, 222 Mich App 463, 465; 564 NW2d 147 (1997). Defendant was properly instructed as to the nature of the charge against him. Where defendant requested the no contest plea and presented the court with the reasons for accepting the plea, there is no basis for finding that the court erred in relying on those representations in accepting the plea. *People v Byrd*, 150 Mich App 624, 628; 389 NW2d 710 (1986).

We affirm.

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

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski