

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARY ANGELA BEGLEY,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD BEGLEY,

Respondent-Appellant,

and

KATHRYN BRADY,

Respondent.

UNPUBLISHED

February 23, 1999

No. 213120

Ingham Circuit Court

Family Division

LC No. 98-000617 NA

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order of disposition directing that the minor child be placed in the temporary custody of the family court and denying respondent-appellant's motion to withdraw his plea of admission to allegations in the amended petition, pursuant to which jurisdiction over the minor child was assumed. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

There is no absolute right to withdraw a plea once it is accepted. *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989). A motion to withdraw a plea need not be granted where the respondent's stated reasons for removal are obviously frivolous. *Id.* The decision of the trial court on a motion to withdraw a plea is reviewed for an abuse of discretion. *Id.*

We reject respondent-appellant's claim that he is entitled to withdraw his plea because he was not represented by counsel. The right to counsel may be waived. MCR 5.915(B)(1)(c); *In re Hall*, 188 Mich App 217, 222; 469 NW2d 56 (1991). Here, the record reflects that the lower court clearly advised respondent-appellant that he was entitled to an attorney, and also advised him (three times) that he could request an attorney at any time. Respondent-appellant unequivocally stated that he wished to represent himself, thereby effectively waiving his right to counsel.

We likewise reject respondent-appellant's argument that his plea was not knowingly, understandingly, and voluntarily made. The family court clearly complied with MCR 5.971(C) in accepting respondent-appellant's plea of admission. There is nothing in the record to indicate that the plea was not voluntarily, understandingly, and knowingly made. On the contrary, the record indicates that respondent-appellant was fully informed of the allegations involved, his rights, the potential consequences of waiving such rights, and the potential consequences of a plea. In addition, the family court specifically inquired as to respondent-appellant's state of mind, and whether he was under the influence of any illegal drugs, alcohol, or prescriptive medication. The court further noted that, while respondent-appellant had a history of substance abuse and mental health problems, it was apparent when he tendered his plea that he was thinking clearly, and understood what he was doing. We conclude that the family court did not abuse its discretion in denying respondent-appellant's motion to withdraw his plea.

Affirmed.

/s/ William B. Murphy
/s/ Barbara B. MacKenzie
/s/ Michael J. Talbot