

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT EARL JOHNSON,

Defendant-Appellant.

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UNPUBLISHED

December 3, 1999

No. 216818

Recorder's Court

LC No. 94-012826

Before: Jansen, P.J., and Hoekstra and J. R. Cooper\*, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted his plea-based conviction for probation violation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant pleaded guilty to attempted third-degree criminal sexual conduct, MCL 750.520d(1)(b); MSA 28.788(4)(1)(b), and was sentenced to three years' probation. Defendant was charged with violating his probation by failing to report to authorities to be placed on a tether. On November 13, 1995, while represented by counsel, defendant pleaded guilty to the probation violation charge. After defendant failed to attend several scheduled hearings, he was sentenced on October 6, 1997, to two to five years' imprisonment.

On appeal, defendant argues that a guilty plea to the probation violation was not properly entered or accepted by the court. However, the record shows that defendant was advised of the charges, he was represented by counsel, he expressed the intent to plead guilty, and he testified to establish the factual basis for the plea. While the court did not explicitly accept the plea on the record, reversal is not required where a court implicitly accepts a plea in sentencing the defendant. *Guilty Plea Cases*, 395 Mich 96, 126; 235 NW2d 132 (1975).

Defendant also argues that the trial court improperly removed his assigned counsel without cause. The record shows that defendant made multiple requests for the appointment of counsel, and at various times three different attorneys represented defendant over a three-year period. Where

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

defendant failed to object to the change in representation, and there is no order of removal, there is no showing that defendant's right to representation by counsel of his choosing was abrogated. See *People v Coones*, 216 Mich App 721, 728-730; 550 NW2d 600 (1996).

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper