

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DYWAN LYONS, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DYWAN LYONS,

Defendant-Appellant.

UNPUBLISHED
December 19, 2000

No. 217858
Wayne Circuit Court-
Juvenile Division
LC No. 95-335472

Before: Bandstra, C.J., and Fitzgerald and D.B. Leiber*, JJ.

MEMORANDUM.

Defendant appeals as of right his plea-based conviction for fourth-degree criminal sexual conduct, MCL 750.520e; MSA 28.788(5), and assault with intent to commit great bodily harm, MCL 750.84; MSA 28.279, entered in delinquency proceedings. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that his plea was defective where the court failed to inform him that he would be required to register as a sex offender under MCL 28.721 *et seq.*; MSA 4.475(1) *et seq.* We disagree.

MCR 5.941(C) governs plea procedures in juvenile court. Prior to accepting a plea, the court must inform the juvenile defendant of the possible dispositions. Defendant asserts that sex offender registration is a disposition that should have been noted by the trial court. However, a trial court is not required to advise a defendant of collateral consequences of a plea. *People v Davidovich*, 238 Mich App 422, 428; 606 NW2d 387 (1999). A defendant need only be made aware of direct consequences of a plea. *Id.* Registration as a sex offender is a collateral consequence of a conviction. Failure to inform defendant of the sex offender registration does not render the plea defective.

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

Defendant also argues that the court erred in failing to hold a competency hearing prior to accepting the plea. MCL 330.2020; MSA 14.800(1020) provides in part:

(1) A defendant to a criminal charge shall be presumed competent to stand trial. He shall be determined incompetent to stand trial only if he is incapable because of his mental condition of understanding the nature and object of the proceedings against him or of assisting in his defense in a rational manner.

Whether a defendant is competent to stand trial is an ongoing concern, and may be raised at any time during or after trial. *People v Hamm*, 79 Mich App 281, 288; 261 NW2d 288 (1977). Evidence of incompetence must be shown in order to raise the issue. *People v Garfield*, 166 Mich App 66, 74; 420 NW2d 124 (1988). The trial court must raise the issue if facts are presented that raise a bona fide doubt as to defendant's capacity to stand trial. *Id.*

Here, the evidence showed that defendant had mental deficiencies, functioned in the intellectually deficient range, and had numerous psychological problems. However, the report concluded that defendant understood the charges, the role of the judge and attorneys, and was capable of assisting his attorney in his defense. Defendant has presented no other evidence that would contradict this report. Where there was no indication that defendant was not competent to stand trial, a competency hearing was not required. *Garfield, supra.*

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Dennis B. Leiber