

STATE OF MICHIGAN
COURT OF APPEALS

In re ANTHONY WILSON

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

ANTHONY WILSON,

Respondent-Appellant.

UNPUBLISHED

April 15, 2004

No. 244884

Wayne Circuit Court

LC No. 96-336780

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from an order escalating his juvenile delinquency placement to a low security placement. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that the family court erred by simply accepting the stipulation of the parties to escalate his placement without obtaining a factual basis to support his admissions to the charges in the petition seeking an escalated placement. We disagree. Respondent's arguments are framed in terms of there not having been sufficient evidence to support a guilty plea. However, the order being appealed did not involve a finding of delinquency or conviction of a crime. Rather, it simply involved respondent agreeing to a more restrictive juvenile placement. The version of MCR 5.944(E) in effect at the time provided that a juvenile in a delinquency case "shall not be moved to a more physically restrictive level of placement absent a hearing and further order of the court, or absent the consent of the juvenile." Thus, this court rule plainly allowed respondent to consent to a more restrictive level of placement, which he did at the hearing below. See *People v Phillips*, 468 Mich 583, 589; 663 NW2d 463 (2003) (when plain language of a court rule is unambiguous, it must be enforced without further judicial construction or interpretation). Respondent has not established any basis for relief.

Affirmed.

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Michael R. Smolenski