

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN NASSIB BADAUWY,

Defendant-Appellant.

UNPUBLISHED

January 3, 1997

No. 177384

Ingham County

LC No. 94-66875-FH

Before: Taylor, P.J., and Gribbs and R. D. Gotham,* JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of larceny over \$100, MCL 750.356; MSA 28.588, breaking and entering a motor vehicle, MCL 750.356a; MSA 28.588(1), and habitual-second, MCL 769.10; MSA 28.1082. Defendant was sentenced to a term of three to seven and one-half years. We affirm.

Defendant argues on appeal that the trial court should have suppressed defendant's statements to the arresting officer because defendant had not been advised of his *Miranda*¹ rights. We do not agree. The record clearly indicates that the challenged statements were volunteered and not solicited by the police. The police officer testified that he did not ask defendant any questions after defendant indicated that he wanted an attorney, but that defendant continued to make statements, vulgar comments and threats. Indeed, the officer testified that, when defendant continued to talk, the officer suggested to defendant that "he would be best off being silent." Defendant's statements were voluntarily made and, thus, properly admitted. *People v Granderson*, 212 Mich App 673, 676; 538 NW2d 471 (1995).

Affirmed.

/s/ Clifford W. Taylor

/s/ Roman S. Gribbs

/s/ Roy D. Gotham

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

¹ *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966).