

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY JONES,

Defendant-Appellant.

UNPUBLISHED
November 4, 1997

No. 195594
Recorder's Court
LC No. 95-011834

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

Defendant was convicted of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and sentenced to serve five to ten years in prison. He appeals as of right and we affirm.

Contrary to defendant's argument, the trial court made the requisite finding of fact on the record that defendant personally, voluntarily, and understandingly waived his right to trial by jury. *People v Pasley*, 419 Mich App 297, 302; 353 NW2d 440 (1984); *People v James (After Remand)*, 192 Mich App 568, 570; 481 NW2d 715 (1992); *People v Sullivan*, 167 Mich App 39, 47-48; 421 NW2d 551 (1988). The trial court was not required to make findings of fact on the record with regard to a written waiver of the right to trial by jury, because the requirement that waivers be made in writing was abolished by the adoption of MCR 6.402. *People v Reddick*, 187 Mich App 547, 549; 468 NW2d 278 (1991).

Defendant has failed to overcome the presumption that his sentence—which was within the sentencing guidelines—was proportionate to the offender and the offense. *People v Eberhardt*, 205 Mich App 587, 591; 518 NW2d 511 (1994).

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ Michael J. Kelly
/s/ Roman S. Gribbs

