

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL E. NICKSON,

Defendant-Appellant.

UNPUBLISHED

February 19, 1999

No. 200915

Recorder's Court

LC No. 96-005880

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Defendant appeals by right his conviction for armed robbery, MCL 750.529; MSA 28.797, entered after a bench trial. We affirm.

Defendant asserts that the trial court failed to properly obtain a waiver of his right to jury trial. We disagree. MCR 6.402(B) provides:

Before accepting a waiver, the court must advise the defendant in open court of the constitutional right to trial by jury. The court must also ascertain, by addressing the defendant personally, that the defendant understands the right and that the defendant voluntarily chooses to give up that right and to be tried by the court. A verbatim record must be made of the waiver proceeding.

The court's determination that a defendant validly waived his right to a jury trial is reviewed for clear error. *People v Leonard*, 224 Mich App 569; 569 NW2d 663 (1997). Here, the trial court advised defendant of his constitutional right to a jury trial, ascertained that defendant had consulted with his attorney prior to the waiver, and that no threats or promises were made to induce the waiver. In *People v Shields*, 200 Mich App 554; 504 NW2d 711 (1993), this Court found that similar

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

instructions were sufficient to show that defendant understood his right to a jury trial and voluntarily waived that right. Defendant has shown no

basis for finding that his waiver was not knowing and voluntary.

Affirmed.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski