

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICKEY E. GAINES,

Defendant-Appellant.

UNPUBLISHED
September 3, 1999

No. 206360
Recorder's Court
LC No. 97-002890

Before: Markman P.J., and Saad and P. D. Houk*, JJ.

MEMORANDUM.

Defendant appeals by right from his bench trial conviction of entering without breaking, MCL 750.111; MSA 28.306, for which he was sentenced to eighteen to sixty months' imprisonment. We affirm.

On appeal, defendant argues that trial court's guilty verdict is clearly erroneous and against the great weight of the evidence. We disagree. While the evidence of defendant's entry into the church building is circumstantial, it is also overwhelming. Following an alarm at the church, the police spotted defendant as he was walking down the front steps of the church carrying equipment belonging to the church. Defendant immediately began to flee as soon as he saw the police. The police further testified that the front door of the church was open but undamaged, and a basement door had been pried open. The police also found a hatchet or sledge hammer outside that may have been used to pry open the basement door. In addition to the computer equipment that defendant was carrying, additional computer equipment was discovered outside in an alleyway beside the church. No other suspects were found at the location at the time of defendant's arrest.

Moreover, we find the trial court's statement of its findings to be sufficient, in light of the specific issues presented by parties and the evidence. *People v Armstrong*, 175 Mich App 181, 185; 437 NW2d 343 (1989).

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

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk