

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ISAAC MUSTIN, JR.,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 217114

Wayne Circuit Court

LC No. 98-007271

Before: Bandstra, C.J., and Fitzgerald and D.B. Leiber*, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of unarmed robbery, MCL 750.530; MSA 28.798, for which he was sentenced to three years' probation with the first ten months in jail. Defendant appeals as of right and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The sole issue on appeal is whether defendant properly waived his right to a trial by jury. A review of the record shows that the trial court complied with MCR 6.402(B) and that defendant also executed a written waiver of his right to a jury trial pursuant to MCL 763.3; MSA 28.856. That waiver authorized "any judge of the court" to conduct the trial, MCL 763.4; MSA 28.857; MCR 6.403, and we find nothing in the record to support defendant's contention that he intended to authorize or was led to believe that the waiver was limited to the judge before whom it was made. *Sinistaj v Burt*, 66 F3d 804, 809 (CA 6, 1995). The trial court did not clearly err in concluding that defendant knowingly and voluntarily waived his right to a jury trial. *People v Leonard*, 224 Mich App 569, 595; 569 NW2d 663 (1997).

We affirm.

/s/ Richard A. Bandstra

/s/ E. Thomas Fitzgerald

/s/ Dennis B. Leiber

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