

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANDREW LEE DAVIS,

Defendant-Appellant.

UNPUBLISHED

April 19, 2002

No. 228721

Kent Circuit Court

LC No. 00-000294-FH

Before: K.F. Kelly, P.J., and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for unarmed robbery, MCL 750.530. We affirm. This appeal is being decided without oral arguments pursuant to MCR 7.214(E).

On appeal, defendant challenges the factual findings of the court. In a trial without a jury, the court must make specific findings of fact and state its conclusions of law. MCR 6.403; *People v Kemp*, 202 Mich App 318, 322; 508 NW2d 184 (1993). Factual findings are sufficient as long as they show that the court was aware of the issues and correctly applied the law. *Id.*

A judge in a bench trial must arrive at a decision based upon the evidence in the case. *People v Simon*, 189 Mich App 565, 568; 473 NW2d 785 (1991). A judge may not rely on extraneous evidence or his own specialized knowledge not in evidence. *Id.* A judge may rely only on the evidence presented at trial, and his common sense and everyday experience. *Id.*, 569.

The trial court did not rely on specialized knowledge in reaching its decision. Defendant testified that he did not commit a robbery, and that complainant gave him five dollars to secure a prostitute. Defendant testified that a person cannot hire a prostitute in Grand Rapids for five dollars. The trial judge also observed from his experience that this was not possible. The court used common sense and the evidence presented to reach its conclusion. The findings of fact

were appropriate.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh