

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE J. JONES,

Defendant-Appellant.

UNPUBLISHED

September 20, 2002

No. 233754

Wayne Circuit Court

LC No. 00-002288

Before: Whitbeck, C.J., and Sawyer and Kelly, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of carjacking, MCL 750.529a, and possession of a firearm during the commission of a felony, MCL 750.227b, for which he was sentenced to prison terms of seven to twenty years and two years, respectively. 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 validly waived his right to a trial by jury. A review of the record shows that the court complied with MCR 6.402(B) and that defendant executed a written waiver of his right to a jury trial pursuant to MCL 763.3. Accordingly, we find that the trial court did not clearly err in concluding that the defendant knowingly and voluntarily waived his right to a jury trial. *People v Leonard*, 224 Mich App 569, 595; 569 NW2d 663 (1997). While defendant claims that his waiver was intended to apply only to a trial before Judge Boykin, he failed to object when Judge Townsend conducted a bench trial in reliance on the waiver and thus the error is not preserved for appeal. *People v Carines*, 460 Mich 750, 763-764; 597 NW2d 130 (1999). In any event, the waiver form was not judge specific, defendant's waiver authorized "any judge of the court" to conduct the trial, MCL 763.4; MCR 6.403, and there is nothing in the record to support a finding that defendant intended to authorize, or was led to believe, that his waiver was limited to Judge Boykin. *Sinistaj v Burt*, 66 F3d 804, 809 (CA 6, 1995).

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ Kirsten Frank Kelly