

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LOMEZ G. STILLE,

Defendant-Appellant.

UNPUBLISHED
October 23, 1998

No. 202988
Oakland Circuit Court
LC No. 96-149238 FH

Before: Whitbeck, P.J., and McDonald and T. G. Hicks*, JJ.

MEMORANDUM.

Defendant appeals by right his conviction after a bench trial for first-degree retail fraud, MCL 750.356c; MSA 28.588(3) and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. We affirm. We decide this appeal without oral argument pursuant to MCR 7.214(E).

At the conclusion of the trial, at which only two witnesses testified, the trial court found that if there were any reasonable doubt in its mind, it was eliminated by defendant's testimony. The trial court found that the prosecution proved its case beyond a reasonable doubt and that defendant lied to the trial court. The trial court found defendant guilty as charged. Defendant argues that these findings were insufficient to satisfy MCR 6.403.

The purpose of the articulation requirement is to facilitate appellate review. *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994). Remand for additional articulation is unnecessary where it is manifest that the court was aware of the factual issues, resolved them, and it would not facilitate appellate review to require further explication of the path the court followed in reaching its result. *Id.* at 141-142. Although the trial court made limited findings of fact, it is clear it accepted the testimony of the prosecution witness and rejected defendant's testimony. Given the simplicity of this case, there was no need for further articulation.

The failure of counsel to move to suppress defendant's prior convictions does not warrant reversal based on ineffective assistance of counsel. In light of the highly incredible nature of defendant's

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

version of events, there is no reasonable probability that a different course of action by trial counsel in this regard would have altered the outcome of the trial. *People v Pickens*, 446 Mich 298, 314; 521 NW2d 797 (1994).

Affirmed.

/s/ William C. Whitbeck

/s/ Gary R. McDonald

/s/ Timothy G. Hicks, Jr.