

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MAURICE A. HUNTER,

Defendant-Appellant.

UNPUBLISHED
November 7, 2000

No. 215403
Wayne Circuit Court
LC No. 98-004371

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for assault with intent to rob while armed, MCL 750.89; MSA 28.284, and habitual offender, third offense, MCL 769.11; MSA 28.1083. We affirm.

On appeal, defendant argues that the trial court failed to determine if he understood his right to a jury trial, prior to accepting the waiver. We disagree.

MCR 6.402(B) provides:

Before accepting a waiver, the court must advise the defendant in open court of the constitutional right to trial by jury. The court must also ascertain, by addressing the defendant personally, that the defendant understands the right and that the defendant voluntarily chooses to give up that right and to be tried by the court. A verbatim record must be made of the waiver proceeding.

The trial court's determination that a defendant validly waived his right to a jury trial is reviewed for clear error. *People v Leonard*, 224 Mich App 569, 595; 569 NW2d 663 (1997). The record must show that defendant understood that he had a right to a jury trial, and voluntarily waived that right. *People v Reddick*, 187 Mich App 547, 550; 468 NW2d 278 (1991).

The record establishes that the trial court adequately advised defendant regarding his right to a jury trial. The court properly determined on the record that defendant's waiver of that right was voluntary. There is no showing that the trial court's finding was clearly erroneous.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage