

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CORNELIUS HOLLIS,

Defendant-Appellant.

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UNPUBLISHED

December 19, 2000

No. 217945

Wayne Circuit Court

LC No. 98-006416

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

MEMORANDUM.

Defendant appeals as of right his bench trial convictions for assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, assault with intent to rob while armed, MCL 750.89; MSA 28.284, and felony-firearm, MCL 750.227b; MSA 28.424(2). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court clearly erred in finding that a statement he made to police while receiving treatment for a gunshot wound at the hospital was voluntary. We disagree.

A determination by a trial court concerning whether a statement made by defendant is involuntary is made on the basis of the totality of the circumstances. This Court reviews that determination, making an independent judgment, but reviewing the trial court's fact findings under a clearly erroneous standard. *People v Brannon*, 194 Mich App 121, 131; 486 NW2d 83 (1992).

In determining whether a statement is voluntary, the trial court should consider the age of the accused; his lack of education or his intelligence; the extent of his previous experience with police; the repeated or prolonged nature of the questioning; the length of detention; the lack of advice as to constitutional rights; whether there was delay in bringing him before a magistrate; whether he was injured, intoxicated, drugged, or in ill health; whether he was deprived of food, sleep, or medical attention; whether he was physically abused; and whether he was threatened with abuse. *People v Cipriano*, 431 Mich 315, 334; 429 NW2d 781 (1988).

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

Here, the only factor raised by defendant is his injury. Defendant presented no evidence that he was under the influence of medication at the time of the interrogation. Defendant did not testify as to his state of mind, and the officers testified that there was no indication that he was unable to make a rational judgment. Defendant misrepresented his identity, and minimized his role in the crime. Considering the totality of the circumstances, the trial court correctly concluded that the statement was voluntary.

We affirm.

/s/ Richard A. Bandstra

/s/ E. Thomas Fitzgerald

/s/ Dennis B. Leiber