

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT LEE BLISS,

Defendant-Appellant.

UNPUBLISHED

December 23, 2003

No. 240424

Alcona Circuit Court

LC No. 01-010756-FH

Before: Talbot, P.J., and Owens and Fort Hood, JJ.

MEMORANDUM.

Defendant was convicted, following a bench trial, of felonious assault, MCL 750.82. He was sentenced to five years' probation with the first twenty days to be served in jail. Defendant appeals as of right, and we affirm.

Defendant's conviction arose from a property dispute between neighboring landowners. Defendant admitted to approaching the victim with a metal bar, while the victim was utilizing a tractor in the disputed area, but denied waving the bar or threatening the victim. The victim testified that defendant attempted to strike him with the metal bar, causing the victim to dodge away while in fear for his life. The victim was able to drive away when his wife approached defendant with a video camera.

Defendant's challenge to the adequacy of the factual findings to support the felonious assault conviction is without merit. The trial court's recitation of brief, definite and pertinent facts demonstrating an awareness of the issues coupled with a correct application of the law was sufficient to meet the factual finding requirements of MCR 2.517. *People v Johnson*, 208 Mich App 137, 141; 526 NW2d 617 (1994); *People v Wardlaw*, 190 Mich App 318, 320-321; 475 NW2d 387 (1991). The allegation that the trial court made supplemental factual findings during sentencing that negated the elements of the convicted offense is completely without merit. The trial court did not make additional factual findings, but merely provided an explanation for the imposition of a short term of imprisonment. See *People v Steele*, 173 Mich App 502, 505-506; 434 NW2d 175 (1988). Moreover, the factual evidence presented at trial failed to demonstrate ownership of property to establish that defendant acted in its defense.¹ Finally, the police were

¹ The trial court stated that evidence of ownership was in dispute, and there was no offer of proof
(continued...)

not required to seek and find exculpatory evidence. *People v Miller*, 211 Mich App 30, 43; 535 NW2d 518 (1995).

Affirmed.

/s/ Michael J. Talbot
/s/ Donald S. Owens
/s/ Karen M. Fort Hood

(...continued)

to establish ownership in accordance with MRE 103(a)(2) for appellate review.