STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN TYRONE GREEN,

Defendant-Appellant.

UNPUBLISHED
May 21, 1996

No. 171433
LC No. 92-007266

Before: Young, P.J., Holbrook and Ernst,* JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial convictions for two counts of first-degree murder, MCL 750.316; MSA 28.548. Defendant was sentenced to life imprisonment. We affirm.

Two days after being released from prison, defendant went to live with his aunt. After learning that his aunt was in jail, defendant and his cousin beat the aunt's live-in companion to death, and then killed another man because he witnessed the first killing. Defendant fled to Georgia, and one month later, surrendered to police in Atlanta. Defendant was then returned to Michigan to be tried for these killings.

Defendant argues that the evidence was insufficient to prove that he was involved in the killings. We disagree.

This Court views the evidence in the light most favorable to the prosecutor and determines whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985). Circumstantial evidence and reasonable inferences therefrom may form the basis for conviction. *People v Jolly*, 442 Mich 458, 466; 502 NW2d 177 (1993).

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

Eyewitnesses testified that they observed defendant beating both victims before they were murdered. Defendant acknowledged to his aunt that he was involved in the killings. Further, defendant confessed to police in Atlanta and Detroit that he was involved in the killings. Therefore, the evidence was sufficient to sustain defendant's convictions for first-degree murder.

Defendant next argues that the trial court improperly denied his motion to suppress the signed statement which defendant gave to Detroit police. Defendant claims that his statement was given after his request for an attorney was denied and as a result of threats against defendant's parents made by an African-American "superior officer." At the suppression hearings, it was established that defendant never requested an attorney, and that defendant could not identify the officer making the threats after being shown a photographic lineup of every African-American male that was present in the building on the date he signed his statement. An independent review of the record reveals that the evidence overwhelmingly contradicts defendant's claims. Accordingly, we find that the trial court properly denied defendant's motion to suppress. See *People v Johnson*, 202 Mich App 281, 287-288; 508 NW2d 509 (1993).

Defendant next argues that he was denied his right to a speedy trial. Defendant did not raise this issue below. Defendant's failure, however, does not waive this issue on appeal; instead, it is a factor to be considered when examining whether defendant was denied this right. *Barker v Wingo*, 407 US 514, 528; 92 S Ct 2182; 33 L Ed 2d 101 (1972); *People v Grimmett*, 388 Mich 590, 605 n 8, 607; 202 NW2d 278 (1972), overruled on other grounds, *People v White*, 390 Mich 245, 258; 212 NW2d 222 (1973).

After reviewing the record, we conclude defendant was not denied his right to a speedy trial. Defendant's actions substantially contributed to the seventeen-month delay. Further, defendant has not established that prejudice resulted from the delay. See *People v Collins*, 388 Mich 680, 695; 202 NW2d 769 (1972); *Grimmett*, *supra*, 388 Mich at 606-607.

Affirmed.

/s/ Robert P. Young, Jr.
/s/ Donald E. Holbrook, Jr.
/s/ J. Richard Ernst