

STATE OF MICHIGAN
COURT OF APPEALS

IN THE MATTER OF PAUL RIDOLFI, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PAUL RIDOLFI,

Defendant-Appellant.

UNPUBLISHED

November 25, 1997

No. 196414

Wayne Probate Court

LC No. 94-320298

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Defendant was adjudicated guilty of attempted breaking and entering a building with intent to commit larceny, MCL 750.92; MSA 28.288, MCL 750.110; MSA 28.305, and committed to the care and custody of the Family Independence Agency for placement in an appropriate facility. Defendant appeals as of right. We affirm.

Viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could have found beyond a reasonable doubt that defendant specifically intended to break into and enter the Community Party Store and took overt action going beyond mere preparation toward committing the breaking and entering. *People v Jaffray*, 445 Mich 287, 296; 519 NW2d 108 (1994); *People v Hana*, 443 Mich 202, 211, n 31; 504 NW2d 166 (1993); *In re Weiss*, 224 Mich App 37, 42; 568 NW2d 336 (1997); *People v Adams*, 202 Mich App 385, 390; 509 NW2d 530 (1993); *People v Stapf*, 155 Mich App 491, 494; 400 NW2d 656 (1986).

Moreover, the unsolicited outburst of a prosecution witness does not entitle defendant to a new trial where the record demonstrates that the adjudication was bench tried and the trial court ignored the outburst and cautioned the witness and defense counsel to confine the cross-examination to the circumstances of the offense for which defendant was tried. *People v Wofford*, 196 Mich App 275, 282; 492 NW2d 747 (1992); *People v Gonzalez*, 193 Mich App 263, 266-267; 483 NW2d 458 (1992).

Affirmed.

/s/ Kathleen Jansen

/s/ E. Thomas Fitzgerald

/s/ Robert P. Young, Jr.