STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CRAIG PAUL BUSICK,

Defendant-Appellant.

UNPUBLISHED
February 3, 1998

No. 190299
Livingston Circuit Court
LC Nos. 93-007635-FH;
93-007828-FH

Before: Neff, P.J., and Sawyer and Murphy, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of three counts of larceny in a building, MCL 750.360; MSA 28.592, and was sentenced to three years' probation. Defendant was also fined and assessed costs. Defendant appeals of right, and we affirm.

Defendant first argues that at the time of his trial for stealing ammunition from the ammunition locker at the Michigan State Police Post in Brighton, the prosecutor was aware of an ongoing investigation of prison inmates assigned to work at the post regarding stolen items from the property room there, that this information was exculpatory, and that the concealment of the information necessitates reversal. *Kyles v Whitley*, 514 US 419; 115 S Ct 1555; 131 L Ed 2d 490 (1995); *United States v Bagley*, 473 US 667; 105 S Ct 3375; 87 L Ed 2d 481 (1985); *Brady v Maryland*, 373 US 83; 83 S Ct 1194; 10 L Ed 2d 215 (1963). We disagree.

First, the record reveals that the time period during which inmate thefts occurred did not coincide with the period of defendant's thefts. The inmate thefts also took place in a different part of the post. No logical nexus between these events appears. Second, we agree with the trial court, in its thorough written opinion denying defendant's motion for new trial, that even if this information had been considered it would not have led to a different verdict or otherwise changed the result of trial.

Defendant also alleges that he was denied the effective assistance of counsel at trial. We have reviewed the particulars of defendant's claim and conclude that he has failed to demonstrate a reasonable probability that, but for his counsels' alleged errors, the result of the proceedings

would have been different. *United States v Cronic*, 466 US 648; 104 S Ct 2039; 80 L Ed 2d 657 (1984); *Strickland v Washington*, 466 US 668; 104 S Ct 2052; 80 L Ed 2d 674 (1984); *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994); *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994).

Defendant further contends that prejudicial error occurred because three separate larceny charges against him were joined for trial over his objection. MCR 6.120(B) provides that on a defendant's motion, unrelated offenses must be severed for separate trials. However, related offenses, i.e., those based on "a series of connected acts or acts constituting part of a single scheme or plan," may be joined notwithstanding objection. MCR 6.120(B)(2). Defendant's three thefts from the Brighton State Police Post, occurring within the span of a few weeks and following the same basic modus operandi, reflect a single scheme or plan to steal large quantities of ammunition from the post and were properly joined for trial.

We have considered defendant's remaining allegations of error and find them to be without merit.

Affirmed.

/s/ Janet T. Neff
/s/ David H. Sawyer
/s/ William B. Murphy