

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES JONES,

Defendant-Appellant.

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UNPUBLISHED

April 24, 1998

No. 199649

Recorder's Court

LC No. 96-001363

Before: Neff, P.J., and White and D. A. Teeple\*, JJ.

MEMORANDUM.

Defendant appeals as of right his convictions for two counts of felonious assault, MCL 750.82; MSA 28.277, and assault with intent to commit murder, MCL 750.83, MSA 28.278. We affirm.

On appeal, defendant argues that the trial court erred in admitting his statement to police taken after his arrest. A trial court's findings of fact following a suppression hearing will not be disturbed on appeal unless they are clearly erroneous. *People v LoCicero*, 453 Mich 496, 500; 556 NW2d 498 (1996). The test for whether a statement was voluntarily made is whether, considering the totality of all the circumstances, the confession is the product of an essentially free and unconstrained choice by its maker, or whether the accused's will has been overborne and his capacity for self-determination critically impaired. *People v Peerenboom*, 224 Mich App 195, 198; 568 NW2d 153 (1997). Questions regarding the credibility of witnesses in a suppression hearing are for the trier of fact. *People v Ortiz (After Second Remand)*, 224 Mich App 468, 480; 569 NW2d 653 (1997).

The trial court did not clearly err in finding that defendant's statement was voluntary. The documentary evidence supported a finding that defendant was not coerced. Based on the facts presented at the hearing, the trial court found that defendant's version of his interrogation was not credible. Because there is no showing that this finding was in error, we will not disturb it.

Affirmed.

/s/ Janet T. Neff

/s/ Helene N. White

/s/ Donald A. Teeple

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