

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE FRANKLIN KNIGHT,

Defendant-Appellant.

UNPUBLISHED

April 15, 2003

No. 237765

Jackson Circuit Court

LC No. 01-001138-FC

Before: Jansen, P.J. and Kelly and Fort Hood, JJ.

MEMORANDUM.

Defendant appeals as of right from his bench conviction for first-degree criminal sexual conduct, MCL 750.520b(1)(a), and his resulting sentence of 7-1/2 to 20 years' imprisonment. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the trial court failed to secure a knowing and voluntary waiver of his right to trial by jury. We disagree.

Defendant does not deny that he executed a written waiver pursuant to MCL 763.3 or that he discussed the waiver with his trial counsel. Our review of the record reveals that the court inquired whether defendant understood that he had a constitutional right to trial by jury and, knowing that he had this right, whether he wished to waive the right. The court complied with MCR 6.402(B) and properly ascertained that defendant understood his right to jury trial and that he voluntarily waived the right, especially where defendant makes no claim of coercion. *People v Taylor*, 245 Mich App 293, 305 n 2; 628 NW2d 55 (2001); *People v Leonard*, 224 Mich App 569, 596; 569 NW2d 663 (1997); *People v Shields*, 200 Mich App 554, 560-561; 504 NW2d 711 (1993); *People v Reddick*, 187 Mich App 547, 549-550; 468 NW2d 278 (1991). The fact that the court failed to explain the unanimity required in a jury trial does not constitute error. *Leonard*, 224 Mich App at 595-596. Additionally, no error occurred when the court failed to specifically ask defendant if he was threatened or promised anything for his waiver. *Taylor*, 245 Mich App at 305 n 2.

Defendant has waived appellate consideration of his remaining issues by his acquiescence to the procedures used by the court. *People v Carter*, 462 Mich 206, 215-216; 612 NW2d 144 (2000).

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood