

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RODERICK BRETT GRAHAM,

Defendant-Appellant.

UNPUBLISHED

November 19, 1996

No. 185896

LC No. 94-011357

Before: Bandstra, P.J., and Neff and M. E. Dodge,* JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of attempted assault with intent to rob and steal while armed, MCL 750.89; MSA 28.284 and MCL 750.92; MSA 28.287, and possession of a firearm at the time of commission or attempted commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced to one to five years' imprisonment on the attempted assault conviction and two years' imprisonment on the felony-firearm conviction. Defendant now appeals as of right. We affirm.

Defendant contends that the crime of attempted assault does not exist in Michigan, relying on *People v Jones*, 193 Mich App 551, 553; 484 NW2d 688 (1992), to support his contention. However, the Michigan Supreme Court reversed this Court and explicitly recognized that the crime of attempted felonious assault does exist in Michigan. *People v Jones*, 443 Mich 88, 104; 504 NW2d 158 (1993). Defendant cites additional cases to buttress his argument, but they were all decided prior to the Michigan Supreme Court decision in *Jones*. Because the existence of the crime of attempted assault is firmly established, the trial court did not err in rendering its verdict which convicted defendant of such crime.

Affirmed.

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

/s/ Richard A. Bandstra
/s/ Janet T. Neff
/s/ Michael E. Dodge