

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JULIAN KEYES,

Defendant-Appellant.

UNPUBLISHED

August 23, 2002

No. 233316

Wayne Circuit Court

LC No. 99-008879

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Defendant appeals as of right from nonjury convictions of second-degree murder, MCL 750.317, and possession of a firearm during the commission of a felony, MCL 750.227b, for which he was sentenced to prison terms of fifteen to thirty years and two years, respectively. We affirm.

Defendant's sole claim on appeal is that he did not validly waive his right to a trial by jury. We review for clear error the trial court's determination that defendant validly waived his right to a jury trial. *People v Leonard*, 224 Mich App 569, 595; 569 NW2d 663 (1997).

"A valid waiver of the constitutional right to a trial by jury must be voluntary." *People v Godbold*, 230 Mich App 508, 512; 585 NW2d 13 (1998). Before accepting a waiver, the court must advise the defendant of his right to a trial by jury and ascertain, by questioning the defendant personally, that he understands and voluntarily chooses to give up that right and be tried by the court. MCR 6.402(B). A review of the record clearly shows that the court advised defendant of his right to a trial by jury, explained the difference between a jury trial and a bench trial, and ascertained that defendant understood that right and agreed to waive it. The trial court did not clearly err in finding that defendant validly waived his right to a jury trial. *People v Taylor*, 245 Mich App 293, 305, n 2; 628 NW2d 55 (2001); *People v Shields*, 200 Mich App 554, 560-561; 504 NW2d 711 (1993).

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen