

Court of Appeals, State of Michigan

ORDER

People of MI v Roy Rodrigo Ramirez

Docket No. 306316

LC No. 10-034769-FH

Donald S. Owens
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause
Judges

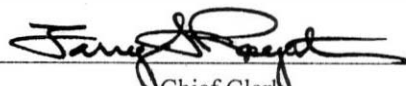
The Court orders that the motion to remand is DENIED for failure to meet the requirements of MCR 7.211(C)(1)(a). As to defendant's request for a remand for an evidentiary hearing with regard to trial counsel's failure to move to suppress evidence, defendant provides no true offer of proof in support of that claim. We note that there was no need for testimony as to facts potentially justifying the alleged traffic stop to have been fully presented at trial because the validity of such a stop under the Fourth Amendment was not a question for the jury. Also, defendant has provided no indication of efforts by appellate defense counsel to obtain further factual support for this claim such as interviewing potentially relevant witnesses. As to the request for a remand with regard to trial counsel's failure to object to remarks during the prosecutor's closing argument, defendant has not shown a need for a remand because determining whether the prosecutor's remarks mischaracterized the evidence presented at trial is a matter that may be determined from the existing record.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 21 2012

Date


Chief Clerk