

Court of Appeals, State of Michigan

ORDER

People of MI v Avery Robert Parker

Docket No. 308224

LC No. 11-003200-FC

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

William C. Whitbeck
Judges

The Court orders that the motion to remand is DENIED for failure to meet the requirements of MCR 7.211(C)(1)(a) because it is not supported by an affidavit or offer of proof regarding facts to be established at a hearing on remand. Further, defendant presents no indication of why an initial determination is needed by the trial court as to his claims of ineffective assistance of counsel. We note that *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973), contains nothing reasonably supporting a position that a defendant should automatically be granted an evidentiary hearing merely because he advances a claim of ineffective assistance of counsel. Rather, whether to grant a motion to remand is discretionary with this Court. *People v Hernandez*, 443 Mich 1, 15; 503 NW2d 629 (1993).



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

JAN 31 2013

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk