

Court of Appeals, State of Michigan

ORDER

People of MI v William Carlyle Pomeroy Jr

Docket No. 314219

LC No. 12-012323-FH

Donald S. Owens
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
Judges

The Court orders that the motion for reconsideration is DENIED. We note that there is no sound reason to remand merely for a determination of trial counsel's subjective reasons for the alleged deficient performance because counsel's performance for purposes of an ineffective assistance of counsel claim is assessed under an objective standard of reasonableness. *People v Trakhtenberg*, 493 Mich 38, 51; 826 NW2d 136 (2012).

The second motion to remand filed on September 19, 2013 is also DENIED. Further, there is no sound reason for the filing of this motion which has no substantive difference from the motion for reconsideration. We caution appellate defense counsel that the filing of further repetitive motions may result in the imposition of sanctions for vexatious proceedings on the Court's own initiative per MCR 7.216(C).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

DEC 10 2013

Date


Chief Clerk