

Court of Appeals, State of Michigan

ORDER

People of MI v Frank William Choate

Docket No. 314438

LC No. 11-010879-FH

E. Thomas Fitzgerald
Presiding Judge

Pat M. Donofrio

Elizabeth L. Gleicher
Judges

The Court orders that the motion for remand pursuant to MCR 7.211(C)(1) is DENIED. Defendant-appellant has not shown that further development of the record is required related to the suppression of his statements to the police when the trial court previously conducted an evidentiary hearing and ruled on the admissibility of the statements. Although defendant-appellant has included an offer of proof and affidavit with his motion to support his claim that his trial counsel was ineffective for failing to call certain witnesses, the offer of proof and affidavit fail to address or overcome the presumption that trial counsel rejected calling these witnesses for strategic reasons and that counsel otherwise pursued a valid trial strategy after investigating the case.

The motion for immediate consideration is GRANTED.

The motion to exceed the 50-page limitation for the Standard 4 brief is GRANTED.



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

MAR 07 2014

Date

Chief Clerk