

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Chad Rhett Wertz

Docket No. 317100

LC No. 11-000694-FH

Elizabeth L. Gleicher  
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio  
Judges

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The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is DENIED. In ruling on defendant-appellant's motion for a new trial, the trial court accepted as true that defense counsel did not subpoena the insurance company's entire file and, therefore, failed to discover that there might have been a third party who had a spare key to the vehicle. Accordingly, in order to rule on defendant-appellant's motion for a new trial, the trial court did not need to further develop the record with regard to the failure to request those records. Defendant-appellant has not shown at this time that further development of the record is necessary for this Court's review of the trial court's decision to deny his motion for a new trial.



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

**MAY - 8 2014**

Date

Chief Clerk