

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v David Henry Johnson

Docket No. 318833

LC No. 13-012673-FH

Peter D. O'Connell  
Presiding Judge

Patrick M. Meter

Stephen L. Borrello  
Judges

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The Court orders that the motion to remand is DENIED for failure to persuade the Court of the necessity of a remand at this time. The issues regarding trial counsel's performance during jury selection and failure to make certain objections as to other matters appear to be matters that the case call panel may review from the existing record. As to the remaining issues, the requirement of MCR 7.211(C)(1)(a) that a motion to remand for development of a factual record "must be supported by affidavit or offer of proof regarding the facts to be established at a hearing" contemplates some preliminary investigation by appellant's counsel as to the facts that might be established on remand but no indication of any such preliminary investigation has been provided.

The motion to extend time to file defendant-appellant's brief on appeal is GRANTED TO THE EXTENT that defendant-appellant's brief on appeal is due 28 days after the date of this order.



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

**JUL 16 2014**

Date

Chief Clerk