

Court of Appeals, State of Michigan

ORDER

People of Michigan v Jerry Lee Watson

Docket No. 320328

LC No. 12-004730-FH

Mark T. Boonstra
Presiding Judge

Henry William Saad

Christopher M. Murray
Judges

The Court AFFIRMS the holding of the trial court in its opinion and order on remand, and defendant's appeal is hereby DISMISSED.

"To establish ineffective assistance of counsel, a defendant must show: (1) that the attorney's performance was not based on strategic decisions, but was objectively unreasonable in light of prevailing professional norms; and (2) that, but for the attorney's error, a different outcome was reasonably probable." *People v Hunter*, 493 Mich 1015; 829 NW2d 871 (2013). Were we nonetheless to agree with defendant that his trial counsel's performance was "objectively unreasonable in light of prevailing professional norms," the evidentiary hearing on remand established that the prosecutor's office never made a formal plea offer to defendant. Accordingly, defense counsel's performance with regard to the non-existent plea offer had no impact on the outcome of defendant's case, and defendant has failed to show he received ineffective assistance of counsel.



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

AUG 19 2015

Date

Chief Clerk