

# Court of Appeals, State of Michigan

## ORDER

People of MI v Ronnie Llewelly Jordan

Docket No. 323082

LC No. 14-000706-FC

David H. Sawyer  
Presiding Judge

Jane M. Beckering

Mark T. Boonstra  
Judges

With respect to the prosecutor's motion for reconsideration, this Court notes that on February 23, 2015, defendant filed a motion for a remand to conduct a *Ginther*<sup>1</sup> hearing on the basis that "[a]ll issues to be raised on appeal involve a question of whether Defendant-Appellant received effective assistance of counsel. . . . A claim of ineffective assistance which depends in part on facts off of the record must first be brought before the trial court." As a factual predicate for his motion, defendant attached as Appendix C Officer R. Ackenberg's report. On March 6, 2015, the prosecutor filed an answer opposing defendant's motion for a remand, which would have expanded the record regarding Officer Ackenberg, contending that

"[t]he record is wholly sufficient for this Court to determine whether trial counsel rendered ineffective assistance by failing to call police officer R. Ackenberg . . . .

\* \* \*

No remand is necessary for Defendant's chief ineffective assistance of counsel claim—that trial counsel was ineffective for failing to subpoena ex-Hazel Park Police Officer R. Ackenberg—since the record is sufficient to determine this issue. On July 8, 2014, at pages 150-152, trial counsel first noted the reasons why Officer Ackenberg's testimony was required. Later, at pages 195-200, trial counsel gave an extensive explanation of his actions concerning Officer Ackenberg.

Even disregarding the officer's report, because we agree that the record was sufficient to determine whether defendant received effective assistance when his trial counsel failed to subpoena Officer Ackenberg—and we find that his counsel was ineffective, causing prejudice—we DENY the motion for reconsideration.

<sup>1</sup> *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).



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

FEB 18 2016

Date

  
Chief Clerk