

# Court of Appeals, State of Michigan

## ORDER

People of MI v Darnell Bates

Docket No. 347279

LC No. 85-001507-01-FC

Thomas C. Cameron  
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan  
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

The motion to file a late reply is GRANTED and the reply filed on March 28, 2019 is accepted.

The delayed application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the motion for relief from judgment. While defendant argues that trial counsel was ineffective for failing to convey a plea offer, it has already been determined that defendant was made aware of the plea offer, and that testimony to the contrary was not credible. *People v Bates*, unpublished per curiam opinion of the Court of Appeals, issued December 27, 1989 (Docket No. 110628), pp 1-2. This Court also concluded that if defendant had offered to plead guilty, the trial court could not have accepted the plea because defendant maintained his innocence throughout trial and subsequent proceedings. *Id.* at 2-3. Thus, even if defendant had not been informed of the plea offer by counsel, he cannot show prejudice, and would not be entitled to relief. *Lafler v Cooper*, 566 US 156, 164; 132 S Ct 1376; 182 L Ed 2d 398 (2012).



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

JUN 10 2019

Date

  
Chief Clerk