

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee,

v

CHARLES BERNARD GOODWIN, a/k/a WILLIE
GOODWIN, a/k/a CHICO GOODWIN,

Defendant-Appellant.

UNPUBLISHED

July 1, 1997

No. 184711

Recorder's Court

LC No. 93-000879

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

By leave granted, defendant appeals his bench trial conviction for arson of a dwelling. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant claims the trial court erred in denying his motion post-trial for a *Ginther* hearing. Defendant claims that he was deprived of the effective assistance of counsel at trial, because his substitute counsel failed to meet with him before trial, failed to interview defense witnesses or call them at trial, and because an endorsed prosecution witness, who was not produced at trial and as to whom, in the absence of due diligence, the trier of fact instructed himself to assume her testimony would have been adverse to the prosecution, might have something new and important to offer in light of new information about her relationship to defendant and the victim. Defendant's trial court motion was not supported by an affidavit or other documentary evidence constituting an offer of proof as to what any witness, whether a defense witness or endorsed prosecution witness, might have testified to materially if produced at trial. Similarly, defendant made no effort to establish any prejudice from the claimed lack of contact with substitute counsel prior to the continuation of trial. In the absence of such offers of proof, no basis for post-conviction relief on a claim of ineffective assistance of counsel was established. *People v Pickens*, 446 Mich 298, 327; 521 NW2d 797 (1994).

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple