

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID NATHANIEL HOLLOWAY,

Defendant-Appellant.

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UNPUBLISHED

April 27, 2006

No. 258671

Macomb Circuit Court

LC No. 2004-000594-FC

Before: White, P.J., Whitbeck, C.J., and Davis, J.

WHITE, P.J. (*concurring*).

I write separately to address defendant's ineffective assistance of counsel claim. I am satisfied, after a thorough review of the trial record, that counsel effectively presented defendant's defense that the complainant Urslia Holloway was a participant in the plan to obtain money from the Wendy's restaurant on both occasions, that she was not a robbery victim, and that because she was the only complainant, defendant was not guilty of armed robbery, although he was, admittedly, guilty of some of the other counts. Counsel's strategy was coherent, consistent, and, although not successful, effective. Similarly, while the prosecutor's argument that the other employees were also robbery victims was improper, defense counsel effectively addressed the improper argument in his closing, and the court's instruction clearly focused on Urslia Holloway only.

/s/ Helene N. White