# Court of Appeals, State of Michigan

## ORDER

People of MI v Chanchez Dezaray Stewart

Docket No. 300476

LC No. 10-003925-01-FC

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Deborah A. Servitto
Judges

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The Court orders that defendant-appellant's pro se motion for reconsideration is DENIED.

On February 28, 2012, we held defendant-appellant's pro se motion for reconsideration in abeyance, and on the Court's own motion, we remanded the matter to the presiding judge to conduct an evidentiary hearing to determine whether defendant-appellant was denied the effective assistance of trial or appellate counsel based on the reasons raised in his motion for reconsideration.

After the evidentiary hearing, the trial court determined that the testimony elicited established that "there was no conflict of interest with [trial counsel] representing both Mr. Whitfield in the earlier case and then later representing [defendant-appellant]." Next, the court concluded that the trial strategy employed "certainly fell within the standard of reasonable representation, and that it was not an error." Thus, trial counsel's assistance was not ineffective. Finally, the court found that appellate counsel's performance "was within the objective standard of reasonable representation."

The trial court's factual findings regarding claims of ineffective assistance are reviewed for clear error. *People v LeBlanc*, 465 Mich 575, 579; 640 NW2d 246 (2002). In light of the trial court's findings of fact, defendant-appellant has failed to establish the factual predicate for his claims. *People v Matuszak*, 263 Mich App 42, 60; 687 NW2d 342 (2004).

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 20 2012
Date

Chief Clerk