Court of Appeals, State of Michigan

ORDER

People of MI v Bernard Goines Jr

Docket No. 312383

LC No. 2012-001173-FH

Mark T. Boonstra
Presiding Judge

David H. Sawyer

Jane E. Markey
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is DENIED. On defendant-appellant's claim of ineffective assistance of counsel, the majority of his arguments involve challenges to actions by his attorney that are based on the existing record. This Court can address those issues based on the existing record without having to remand this matter. *People v Matuszak*, 263 Mich App 42, 48; 687 NW2d 342 (2004). With regard to arguments that involve matters that are not currently of record, defendant-appellant's offer of proof is inadequate to support his claims that his counsel's performance was deficient or overcome the presumption that counsel's actions were based on sound trial strategies. Defendant-appellant has also not shown possible merit in his claim that the jury's verdict was against the great weight of the evidence to support a remand on that issue.

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

OCT 30 2013

Date

Chief Clerk