

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Michael Paul Neeley

Docket No. 316270

LC No. 12-099789-FH

Douglas B. Shapiro  
Presiding Judge

Jane E. Markey

Mark T. Boonstra  
Judges

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The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is DENIED. Although defendant-appellant has supported his motion to remand with an affidavit, establishing that defendant-appellant was advised by his attorney that he should reject a plea offer because he could prevail at trial, defendant-appellant has not otherwise shown that his attorney failed to properly advise him of the consequences of rejecting the plea offer and trying this case, or that defendant-appellant did not make the decision to reject the plea offer himself after he was fully informed of the consequences. While defendant-appellant has also included an offer of proof in support of his claim that his trial counsel was ineffective for not objecting to a comment made by a witness referring to defendant-appellant's prior criminal record, the existing record appears to be sufficient for this Court's review of that argument when defendant-appellant has not supported his claim with an affidavit from his trial counsel on why he did not object or move in limine to bar any references to defendant-appellant's criminal history.



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

**DEC 17 2013**

Date

Chief Clerk