

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Michael Eugene Barner

Mark T. Boonstra  
Presiding Judge

Docket No. 311739

David H. Sawyer

LC No. 2011-003033-FC

Jane E. Markey  
Judges

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The Court orders that the motions to remand pursuant to MCR 7.211(C)(1) is DENIED. Defendant-appellant has failed to show, with a sufficient offer of proof, that he had a deformity with his left eye at the time of this offense to support his claims that his trial attorney was ineffective for not raising that issue in his cross-examination of one of the victims, in a motion to suppress the identification of defendant-appellant, and in the defense theory presented at trial. Defendant-appellant has not made an offer of proof with regard to his claims about the prosecutor's closing argument to support a remand. Therefore, that issue will be reviewed based on the existing record. *People v Matuszak*, 263 Mich App 42, 48; 687 NW2d 342 (2004). Defendant-appellant has also not provided a sufficient offer of proof to support a remand on the remaining issues involving the defense presented and trial counsel's cross-examination of Quentin Willford.



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

**OCT 18 2013**

Date

Chief Clerk