

Court of Appeals, State of Michigan

ORDER

People of MI v Blake Daniel Hullihen

Docket No. 315371

LC No. 12-004665-FC

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the motion to remand is DENIED for failure to persuade the Court of the necessity of a remand at this time. However, we note that defendant has preserved his constitutional issue challenging the scoring of certain variables of the sentencing guidelines for full appellate review by raising that issue in the present motion. MCR 769.34(10); MCR 6.429(C). We also note that remand for an evidentiary hearing is not required merely because defendant raises claims of ineffective assistance of counsel. Rather, whether to grant a motion to remand is discretionary with this Court. *People v Hernandez*, 443 Mich 1, 15; 503 NW2d 629 (1993). Nothing in *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973), holds that every request for an evidentiary hearing on a claim of ineffective assistance of counsel must be granted.



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

OCT - 3 2013

Date

Jerome W. Zimmer Jr.
Chief Clerk