

Court of Appeals, State of Michigan

ORDER

People of MI v Charles Frazier

Docket No. 317087

LC No. 12-007447-01-FH

Cynthia Diane Stephens
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is DENIED. While defendant-appellant has provided affidavits to support his motion on witnesses not called by his counsel, defendant-appellant has not shown that he can overcome the presumption that his attorney did not call these witnesses for strategic reasons or that the witnesses' testimony might have made a difference in the outcome. Defendant-appellant has also not shown that his attorney was ineffective for conceding that defendant-appellant may have been in possession of heroin, without first obtaining defendant-appellant's express consent to that strategy, when that was a lesser offense on the facts of this case. See *People v Wise*, 134 Mich App 82, 97-98; 351 NW2d 255 (1984).



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

MAY - 2 2014

Date

Chief Clerk