

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Mario Durrel Davis

Docket No. 318059

LC No. 13-245466-FH

E. Thomas Fitzgerald  
Presiding Judge

Pat M. Donofrio

Deborah A. Servitto  
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 provided offers of proof in support of his motion to show that his mother was willing to testify at trial and that his tax records could have been offered as evidence, it appears that defense counsel did not produce defendant-appellant's mother or offer the tax records as evidence at trial because neither was available at that time. Defendant-appellant cannot prove error by his attorney by simply showing that the above evidence is now available when efforts were made to produce it at the time of trial. Defendant-appellant's claim that his attorney was ineffective for not objecting to the amendment of the charges has not been supported by an offer of proof regarding further development of the record and it appears that this Court can address that issue based on the existing record.



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

**JUL 30 2014**

Date

*Jerome W. Zimmer Jr.*  
Chief Clerk