

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANIEL ERWIN RENTSCH,

Defendant-Appellant.

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UNPUBLISHED

July 26, 2002

No. 232181

Oakland Circuit Court

LC No. 2000-171684-FH

Before: Talbot, P.J., and Cooper and D. P. Ryan\*, JJ.

MEMORANDUM.

A jury convicted defendant of second-degree criminal sexual conduct, MCL 750.520c(1)(b). Defendant appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal defendant argues that erroneous advice from his trial counsel denied him effective assistance of counsel. Defendant alleges that his trial counsel advised him that the prosecutor would use a prior manslaughter conviction to impeach his credibility and that he decided not to testify based on this erroneous legal advice. We find no support for defendant's claim that he was denied effective assistance of counsel.

This Court's review is limited to the record. *People v Randolph*, 242 Mich App 417, 422; 619 NW2d 168 (2000); *People v Hurst*, 205 Mich App 634, 641; 517 NW2d 858 (1994). The record does not provide any support for defendant's assertion that trial counsel gave him erroneous advice. The record shows that defendant acknowledged his right to testify and voluntarily chose not to exercise that right. Defendant has not shown either that his trial counsel's performance was deficient or that this performance caused prejudice to the defense.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

He was not denied effective assistance of trial counsel. *Strickland v Washington*, 466 US 668; 104 S Ct 2052; 80 L Ed 2d 674 (1984); *People v Reed*, 453 Mich 685, 694-695; 556 NW2d 858 (1996).

Affirmed.

/s/ Michael J. Talbot  
/s/ Jessica R. Cooper  
/s/ Daniel P. Ryan