Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V GLENN ANTHONY DAVIS

Docket No. 379851

LC No. 23-000517-FC

Randy J. Wallace
Presiding Judge

Michelle M. Rick

Allie Greenleaf Maldonado
Judges

The "motion to accept delayed application for leave to appeal as timely filed or accept defect correction letter as statement explaining delay" is GRANTED to the extent that defendant's March 12, 2026 defect correction letter is accepted as his statement of delay.

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the February 18, 2026 order is REVERSED. The trial court abused its discretion by holding that the testimony of defendants' experts was not relevant to any issue to be decided at the *Ginther* hearing. In order to be entitled to a new trial on the basis of ineffective assistance of counsel, a defendant must show that counsel's performance fell below an objective standard of reasonableness and that, but for counsel's deficient performance, there is a reasonable probability that the result of the trial would have been different. *People v Armstrong*, 490 Mich 281, 290; 806 NW2d 676 (2011). Defendant can only show that he was prejudiced by defense counsel's alleged failure to consult with or call experts if he can make a factual record regarding what the experts would have told counsel and testified to at trial. Accordingly, the testimony of defendants' experts, if it satisfies the requirements of MRE 702, would assist the trial court in deciding a fact in issue.

This order is to have immediate effect. MCR 7.215(F)(2).

We do not retain jurisdiction.

Randy J. Wallace
Presiding Judge

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

July 10, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk