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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED November 16, 2026 2:33 PM
v	No. 373171 Wayne Circuit Court
JACOB THOMAS MRAULAK, Defendant-Appellant.	LC No. 23-004414-01-FH

Before: LIEVENSE, P.J., and SWARTZLE and MARIANI, JJ.

PER CURIAM.

Defendant caused a death and injuries as a result of his operation of a vehicle while under the influence of drugs and alcohol. He now appeals his convictions and sentence related to the incident, arguing that his trial counsel was unconstitutionally ineffective. Because we find no merit to defendant's arguments, we affirm.

I. BACKGROUND

Defendant, while driving his vehicle, struck two individuals who were walking on a sidewalk and then crashed into a tree. First responders found defendant unconscious and alone in the driver's seat of the vehicle before transporting defendant and the victims to the hospital. One victim died from the injuries sustained in the crash, while the other suffered broken bones. Defendant's urine sample found 0.187 grams of alcohol per 67 milliliters of urine,[1] and defendant tested positive for Xanax, cocaine, and fentanyl. When defendant regained consciousness, he admitted to drinking alcohol and using cocaine before driving. While at the hospital, defendant spoke to a police detective and admitted that he had a substance abuse problem and was drinking that day. Defendant claimed that he had been dropping off his employees and asked if the employees were okay.

[1] Under Michigan statute, the legal limit for driving is 0.08 grams of alcohol per 67 milliliters of urine. See MCL 257.625(1)(b).

At trial, defendant's defense was that he acted under duress when he hit the victims with his vehicle. According to defendant's testimony, he was drinking with two of his employees and was offered a mixed drink. After consuming the offered drink, defendant felt different, experiencing a tight chest, breathing problems, and blurry vision. At this point, defendant claimed that his employees pointed guns in an attempt to rob defendant. Defendant stated that he attempted to escape in his van while the employees drove after him, but he had no memory of what happened after a certain point in his drive. On cross-examination, defendant was confronted with video footage showing no vehicle following defendant, defendant's statements showing concern for the employees while in the hospital, and defendant's admission of cocaine usage.

The jury convicted defendant of operating a motor vehicle while intoxicated (OWI) causing death, MCL 257.625(4); reckless driving causing death, MCL 257.626(4); OWI causing serious impairment of a body function, MCL 257.625(5)(a); and reckless driving causing serious impairment of a body function, MCL 257.626(3). Defendant was sentenced to 90 months to 15 years' imprisonment each for his OWI causing death and his reckless driving causing death convictions, and to 24 months to 5 years' imprisonment each for his OWI causing serious impairment and his reckless driving causing serious impairment convictions.

Defendant now appeals.

II. ANALYSIS

Defendant argues that he received ineffective assistance of counsel because his trial counsel was unprepared for trial, advised defendant to reject a plea offer, and solicited defendant's business. Defendant's right to counsel is guaranteed by the United States and Michigan Constitutions. US Const, Am VI; Const 1963, art 1, § 20. This right includes the right to the effective assistance of counsel. *People v Cline*, 276 Mich App 634, 637; 741 NW2d 563 (2007). "Whether a defendant has been denied the effective assistance of counsel is a mixed question of fact and constitutional law." *People v Solloway*, 316 Mich App 174, 187; 891 NW2d 255 (2016). Defendant did not preserve his ineffective-assistance claims by moving for a new trial or for a *Ginther*[2] hearing in the trial court. *People v Abcumby-Blair*, 335 Mich App 210, 227; 966 NW2d 437 (2020). "Where claims of ineffective assistance of counsel have not been preserved, our review is limited to errors apparent on the record." *People v Matuszak*, 263 Mich App 42, 48; 687 NW2d 342 (2004).

To establish a claim of ineffective assistance of counsel, defendant must show that: (1) defense counsel's performance was deficient; and (2) the deficient performance prejudiced the defense. *People v Taylor*, 275 Mich App 177, 186; 737 NW2d 790 (2007). Defense counsel's performance is deficient if it fell below an objective standard of professional reasonableness. *People v Jordan*, 275 Mich App 659, 667; 739 NW2d 706 (2007). Defendant bears a heavy burden to show that counsel made errors so serious that counsel was not performing as guaranteed by the Sixth Amendment, and defendant must overcome a strong presumption that counsel's performance constituted sound trial strategy. *People v Carbin*, 463 Mich 590, 599-600; 623 NW2d 884 (2001),

[2] *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).

citing *Strickland v Washington*, 466 US 668, 104 S Ct 2052, 80 L Ed 2d 674 (1984); *People v Rockey*, 237 Mich App 74, 76-77; 601 NW2d 887 (1999). The performance will be deemed to have prejudiced the defense if it is reasonably probable that, but for counsel's error, the result of the proceeding would have been different. *Jordan*, 275 Mich App at 667.

A. FAILURE TO PREPARE FOR TRIAL

First, defendant claims trial counsel failed to prepare defendant to testify at trial, arguing that trial counsel was ineffective because defendant's testimony contradicted the evidence. Defendant, however, fails to indicate what trial counsel should have done differently to prepare him to testify. Defendant was aware of the evidence before testifying. Furthermore, it was defendant's decision to testify. *People v Bonilla-Machado*, 489 Mich 412, 419; 803 NW2d 217 (2011). Defendant was sworn in and stated he wanted to testify, and on appeal, he essentially asks this Court to grant him a new trial because he chose to provide untruthful testimony. This Court will not reward defendant's willful misconduct by deeming it ineffective assistance of counsel. See *People v Witherspoon*, 257 Mich App 329, 333; 670 NW2d 434 (2003) (explaining that generally "an appellant may not benefit from an alleged error that the appellant contributed to by plan or negligence").

Regardless, assuming arguendo that trial counsel performed deficiently, defendant's claim relating to the duress defense fails because he has not shown how such defense prejudiced him. Defendant acknowledges that the evidence against him was overwhelming. He has not, however, suggested what an objectively reasonable defense would have been in the face of the overwhelming evidence. Likewise, while defendant claims various other deficiencies in defense counsel's investigation and preparation, he has failed to show how, in light of the overwhelming evidence of his guilt, it is reasonably probable that the result of his trial would have been different but for those claimed deficiencies. *Jordan*, 275 Mich App at 667.

B. REJECTION OF PLEA OFFER

Defendant also argues that trial counsel was ineffective for advising defendant to reject a plea offer. In regard to a plea offer, counsel must advise a defendant of the nature of the charges, consequences of a plea, and possible defenses in order to provide the defendant with "the ability to make an intelligent and informed choice from among his alternative courses of action." *People v White*, 331 Mich App 144, 148; 951 NW2d 106 (2020). To prove that he was prejudiced by a plea offer rejection, defendant must prove that (1) but for counsel's advice, there was a reasonable probability that defendant would have accepted the plea and the prosecutor would not have withdrawn it; (2) the trial court would have accepted the offer's terms; and (3) the conviction or sentence under the offer would have been less severe than what defendant actually received. See *Lafler v Cooper*, 566 US 156, 164; 132 S Ct 1376; 182 L Ed 2d 398 (2012).

Here, even if we relied on the representation of the plea offer provided by the parties on appeal, defendant has not asserted or indicated that he would have accepted the plea offer but for trial counsel's alleged advice. The record on appeal provides that defendant willingly pleaded not guilty and chose to testify at trial. At no point did defendant indicate that he no longer wanted a trial or wished to accept the plea offer. Simply put, defendant failed to meaningfully develop the factual predicate of this claim, see *People v Douglas*, 496 Mich 557, 592; 852 NW2d 587 (2014),

and he has not shown that the rejection of the plea offer was caused by counsel's advice instead of defendant's own decision-making.

C. VIOLATION OF THE MICHIGAN RULES OF PROFESSIONAL CONDUCT (MRPC)

Finally, defendant alleges that trial counsel violated various rules of professional conduct. For example, defendant claims that counsel's arrival at the hospital after the crash violated MRPC 7.3(a): "A lawyer shall not solicit professional employment from a person with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain." Defendant provides no evidence that this hospital solicitation occurred. And even if this solicitation occurred, defendant has not alleged any resulting prejudice from such conduct, other than his dissatisfaction with counsel's eventual performance.

Furthermore, this Court is not the proper forum to remedy any alleged violation of the MRPC. See *People v Aceval*, 282 Mich App 379, 392; 764 NW2d 285 (2009) (stating that the remedy for a violation of the MRPC "is accomplished in other forums," such as the Attorney Discipline Board, and the MRPC does "not confer upon a defendant any type of constitutional right or remedy"). See also MRPC 1.0(b) ("Failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process. The rules do not, however, give rise to a cause of action for enforcement of a rule or for damages caused by failure to comply with an obligation or prohibition imposed by a rule."). We do note that it appears that defendant's trial counsel is currently suspended from the practice of law.[3]

III. CONCLUSION

Defendant has failed to show that the ineffectiveness of counsel's performance violated defendant's constitutional rights. On appeal, defendant focuses on all of the errors that his counsel may have committed during the proceedings below. Although these errors may support the first prong of an ineffective-assistance-of-counsel claim—deficient performance—defendant has failed to demonstrate that he met his burden for the second prong—prejudice. Defendant simply does not sufficiently argue how his counsel's alleged errors meaningfully affected the proceedings in light of the overwhelming evidence of guilt and defendant's own choices.

Affirmed.

/s/ Andrew J. Lievense
/s/ Brock A. Swartzle
/s/ Philip P. Mariani

[3] Michigan Bar Journal, *Orders of Discipline & Disability April 2025* <https://www.michbar.org/journal/Details/Orders-of-Discipline--Disability-April-2025?ArticleID=5096> (accessed October 27, 2026).