

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MACEO BRADLEY,

Defendant-Appellant.

UNPUBLISHED

January 6, 1998

No. 190899

Kalamazoo Circuit Court

LC No. 95-000510 FH

Before: Smolenski, P.J., and MacKenzie and Neff, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of unarmed robbery, MCL 750.530; MSA 28.798. He was subsequently sentenced to life imprisonment as a fourth habitual offender, MCL 769.12; MSA 28.1084. Defendant now appeals as of right. We affirm.

Defendant claims that he was denied effective assistance of counsel. Effective assistance of counsel is presumed, and the defendant bears a heavy burden of proving otherwise. *People v Stanaway*, 446 Mich 643, 687; 521 NW2d 557 (1994). In order to establish ineffective assistance of counsel, a defendant must demonstrate that trial counsel's performance was objectively unreasonable and that the defendant was prejudiced by counsel's defective performance. *People v Mitchell*, 454 Mich 145, 164; 560 NW2d 600 (1997).

Defendant was not denied the effective assistance of counsel in this case. While we agree that counsel should not have conceded the prosecutor's motion to impeach defendant with his prior convictions for similar or identical offenses to that with which he was charged, on this record we cannot conclude that defense counsel's error was prejudicial. We "can only assume that defense counsel's decision was a matter of trial strategy which should not be questioned." *People v Caldwell*, 122 Mich App 618, 621-622; 333 NW2d 105 (1983).

Nor was defendant denied effective assistance of counsel by his counsel's failure to object to police officer Bryant's hearsay testimony that Officer Smith told him that defendant "was definitely the one that robbed the lady at Jewel Osco" and that "Officer Smith advised me that this definitely, positively was ID'd by [the victim] as the individual that had robbed her at the Jewel Osco store." Even

assuming that this testimony exceeded the scope of MRE 801(d)(1) and thus constituted inadmissible hearsay, the testimony added nothing new to what the jury had already heard from Officer Smith and what the jury later heard from the victim. Thus, any error was not prejudicial.

Defendant also argues that he was denied effective assistance of counsel because “counsel failed to make a timely request for the transcript of the 8-9-95 evidentiary hearing, and failed to follow up on former defense counsel’s request for the transcript of the codefendant’s trial.” Defendant provides no case law or other authority to support his argument, however. An appellant may not merely announce his position and then leave to the appellate court the task of rationalizing the basis for his claim. *People v Dye*, 431 Mich 58, 105 fn 10; 427 NW2d 501 (1988) (op of Boyle, J.).

Defendant next claims that the trial court improperly empaneled an anonymous jury. Defendant waived this issue by failing to object to the court’s directive that jurors would be referred to only by number. In any event, there is no evidence to support the notion that the court empaneled an anonymous jury. In *United States v Sanchez*, 74 F3d 562 (CA 5, 1996), upon which defendant relies, the jury was anonymous because the trial court had “redacted all identifying information about prospective jurors from the jury selection information provided to the parties.” *Id.*, p 564. There is no evidence that such redacting occurred here, nor is there any indication that defendant’s ability to conduct effective voir dire was hindered. We find no error requiring reversal.

Affirmed.

/s/ Michael R. Smolenski
/s/ Barbara B. MacKenzie
/s/ Janet T. Neff