

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GREGORY V. ROBINSON,

Defendant-Appellant.

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UNPUBLISHED

April 21, 2000

No. 206351

Recorder's Court

LC No. 96-006432

Before: Gribbs, P.J., and Doctoroff and T.L. Ludington\*, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction for felonious assault, MCL 750.82; MSA 28.277, entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant maintains that he was deprived of the effective assistance of counsel where trial counsel did not attempt to obtain complainant's medical records, which defendant speculates would show that complainant was not stabbed with a screwdriver. To establish an ineffective assistance of counsel claim, a defendant must show that counsel's performance was deficient and that under an objective standard of reasonableness, counsel made an error so serious that counsel was not functioning as an attorney as guaranteed under the Sixth Amendment. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994); *People v Tommolino*, 187 Mich App 14, 17; 466 NW2d 315 (1991). Defendant has failed to produce the medical records, and his argument is strictly conjecture. There is no showing that defendant was prejudiced by the absence of the records.

Defendant also asserts that there was insufficient evidence to support his conviction. In determining whether the prosecution has presented sufficient evidence to sustain a conviction, an appellate court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). The trial

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

court found complainant's testimony credible. That testimony established that defendant stabbed complainant four times with a screwdriver in the course of a confrontation. The evidence was sufficient to support the conviction.

Affirmed.

/s/ Roman S. Gibbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington