

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

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE COOPER, III,

Defendant-Appellant.

---

UNPUBLISHED

August 23, 2012

No. 302702

Macomb Circuit Court

LC No. 2010-003534-FC

Before: SAAD, P.J., and SAWYER and CAVANAGH, JJ.

MEMORANDUM.

Defendant appeals as of right his sentence on jury convictions of assault with intent to murder, MCL 750.83, assault with intent to do great bodily harm less than murder, MCL 750.84, first-degree home invasion, MCL 750.110a(2), and two counts of assault with a dangerous weapon, MCL 750.82. We affirm.

After repeatedly threatening to kill her, defendant broke into his former girlfriend's house, began arguing with her, threatened to kill her, and then attacked her with a knife, stabbing her two times. When her son came out of his bedroom to help her, defendant also thrust the knife at him. Eventually defendant was forced out of the house where the police repeatedly told him to stop and drop the knife. When defendant proceeded to walk in a threatening manner toward police officers, refusing to comply with their demands and gripping the knife, he was tasered. While on the ground, defendant continued to struggle with the police officers, but was eventually arrested.

On appeal, defendant only challenges the scoring of offense variable (OV 19), arguing that his attorney was ineffective for failing to object to an improper score of 15 points. However, an attorney is not ineffective for failing to make a futile objection. *People v Thomas*, 260 Mich App 450, 457; 678 NW2d 631 (2004). And here such an objection was unwarranted because OV 19 is scored at 15 points if force or the threat of force interferes with the administration of justice or the rendering of emergency services. See MCL 777.49(b). The police officers were responding to an emergency call for assistance and were there to investigate criminal activity, a critical component of the administration of justice. See *People v Barbee*, 470 Mich 283, 288; 681 NW2d 348 (2004). Defendant clearly refused to cooperate with their repeated demands to stop and drop the knife; instead, he proceeded toward them in a threatening manner while brandishing a knife, was tasered, and then struggled with the officers during his arrest—

interfering with and delaying the police investigation into this emergency. See *id.* Accordingly, defendant's claim that he is entitled to resentencing is without merit.

Affirmed.

/s/ Henry William Saad

/s/ David H. Sawyer

/s/ Mark J. Cavanagh