

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEBRA HARNESS,

Defendant-Appellant.

UNPUBLISHED

December 17, 1996

No. 185506

Saginaw Circuit Court

LC No. 94-009380-FH

Before: Fitzgerald, P.J., and Holbrook, Jr., and E.R. Post,* JJ.

MEMORANDUM.

Defendant appeals as of right from a conviction of two counts of fraudulent device to obtain relief in violation of MCL 400.60; MSA 16.460. We affirm.

In her sole issue on appeal, defendant argues that she was denied effective assistance of counsel at trial. Where, as in this case, defendant fails to create a record of counsel's deficiencies at an evidentiary hearing in connection with a motion for new trial, this Court's review of a claim of ineffective assistance of counsel is limited to the existing record. *People v Hedelsky*, 162 Mich App 382, 387; 412 NW2d 746 (1987); *People v Juarez*, 158 Mich App 66, 73; 404 NW2d 222 (1987). Defendant claims that by failing to object to the admission of a photograph of defendant's home, by failing to object to testimony regarding DSS rules, by failing to introduce DSS manuals, and by failing to introduce a DSS report, counsel's representation fell below the prevailing professional norm. After carefully reviewing the record, we find no evidence that counsel's alleged errors were not the result of sound trial strategy. *People v Barnett*, 163 Mich App 331, 338; 414 NW2d 378 (1987). Moreover, since the evidence against defendant was overwhelming, there is no reasonable probability that, but for counsel's conduct, the jury would have reached a different result. *People v LaVearn*, 448 Mich 207, 216; 528 NW2d 721 (1995).

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

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Donald E. Holbrook, Jr.

/s/ Edward R. Post