

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEHMAN D. JONES,

Defendant-Appellant.

UNPUBLISHED

September 25, 1998

No. 201530

Oakland Circuit Court

LC No. 96-146301 FH

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals by right his convictions for felonious assault, MCL 750.82; MSA 28.277, and habitual offender, fourth offense, MCL 769.12; MSA 28.1084, entered after a jury trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The charges arose out of a domestic violence incident in which defendant threatened complainant with a knife. Defendant asserts that he was denied the effective assistance of trial counsel. To establish an ineffective assistance of counsel claim, 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. Defendant must overcome the presumption that the challenged action was sound legal strategy, and must establish that the deficiency was prejudicial. *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 show that he was prejudiced by the alleged deficiencies of trial counsel. The trial court addressed each of the points raised by defendant in his motion for new trial, and concluded that there was no error that would entitle defendant to a new trial. Defendant's ineffective assistance of counsel claims were properly reviewed by the trial court, and we find no error in that order.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls

/s/ Mark J. Cavanagh