

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ISAAC KEITH JONES,

Defendant-Appellant.

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UNPUBLISHED

June 17, 2004

No. 245595

Oakland Circuit Court

LC No. 01-179866-FC

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his jury convictions for two counts of armed robbery, MCL 750.529, and one count of unlawfully driving away an automobile, MCL 750.413. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that he was denied the effective assistance of counsel where trial counsel failed to secure an alibi witness or obtain an expert in eyewitness identification. To establish an ineffective assistance of counsel claim, defendant first must show that counsel's performance was below an objective standard of reasonableness under prevailing professional norms. The defendant must overcome a strong presumption that counsel's actions constituted sound trial strategy. Second, the defendant must show that there is a reasonable probability that, but for counsel's error, the result of the proceeding would have been different. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994).

Defendant asserted that Christopher Jones, who lived on Dexter Street in Detroit, could provide an alibi. However, defendant did not have an address, and the phone numbers he provided to trial counsel did not produce any leads. Defendant provided no additional information on appeal, and it is impossible to determine if the witness existed or if he could have provided testimony that would have affected the outcome of the case. No evidentiary hearing was held, and there are no errors apparent on the record. *People v Pratt*, 254 Mich App 425, 430; 656 NW2d 866 (2002).

Similarly, there is no support for defendant's claim that trial counsel should have sought an expert in eyewitness identification. The witness knew defendant prior to the crime, and made an emphatic positive identification. Under the circumstances, the decision not to present an

expert could be reasonable trial strategy. *People v Cooper*, 236 Mich App 643, 658; 601 NW2d 409 (1999). Defendant has failed to overcome the presumption of effective assistance.

Affirmed.

/s/ Janet T. Neff

/s/ Brian K. Zahra

/s/ Christopher M. Murray