S T A T E O F M I C H I G A N

C O U R T O F A P P E A L S

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED June 14, 2016
v RYAN NEIL-JOHNATHON LAROSE, Defendant-Appellant.	No. 326871 Tuscola Circuit Court LC No. 14-013044-FC

Before: JANSEN, P.J., and O'CONNELL and RIORDAN, JJ.

PER CURIAM.

A jury convicted defendant of five counts of first-degree criminal sexual conduct (CSC-I), MCL 750.520b(1)(a) and (2)(b) (victim less than 13 years of age and defendant at least 17 years of age), one count of CSC-I, MCL 750.520b(1)(b)(*ii*) (victim over 13 years of age but less than 16 years of age, and defendant is related to the victim), two counts of CSC-I, MCL 750.520b (multiple variables), four counts of second-degree criminal sexual conduct (CSC-II), MCL 750.520c(1)(a) (victim under 13 years of age), two counts of CSC-II, MCL 750.520c (multiple variables), one count of assault with intent to commit CSC-II, MCL 750.520g(2), and one count of surveilling an unclothed person, MCL 750.539j(1)(a). The trial court sentenced defendant to concurrent prison terms of 25 to 60 years for five of the CSC-I convictions, 18 to 60 years for three of the CSC-I convictions, 10 to 15 years for each CSC-II conviction, three to five years for the assault conviction, and 386 days for the unlawful surveillance conviction. Defendant appeals as of right, and we affirm.

Defendant was convicted of sexually abusing his daughter over a period of several years. According to the victim, the abuse began when she was approximately six years old and continued into her teenage years. Defendant denied any sexual misconduct. The defense argued that the victim fabricated the allegations because she was angry at defendant, ostensibly because he refused to allow her to sleep over at a friend's house following an argument, and because he took away her cell phone.

I. CREDIBILITY TESTIMONY

Defendant first argues that the prosecutor improperly elicited a police officer's opinion testimony that defendant had lied during his interrogation, and thus was guilty of the charged offenses. He additionally argues that defense counsel was ineffective for failing to object to the

testimony and for actually contributing to the improper testimony on cross-examination. We disagree.

Defendant concedes that there was no objection to the challenged testimony at trial, leaving this issue unpreserved. See *People v Bennett*, 290 Mich App 465, 475; 802 NW2d 627 (2010). We review the unpreserved issue for plain error affecting defendant's substantial rights. *Id*. To demonstrate such an error, defendant must show that (1) an error occurred, (2) the error was plain, i.e., clear or obvious, and (3) "the plain error affected [defendant's] substantial rights," which "generally requires a showing of prejudice, i.e., that the error affected the outcome of the lower court proceedings." *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). Finally, "[r]eversal is warranted only when the plain, forfeited error resulted in the conviction of an actually innocent defendant or when an error seriously affect[ed] the fairness, integrity or public reputation of judicial proceedings independent of the defendant's innocence." *Id*. (citation and quotation marks omitted; second alteration in original).

" 'Given that a prosecutor's role and responsibility is to seek justice and not merely convict, the test for prosecutorial misconduct is whether a defendant was denied a fair and impartial trial.' " *People v Roscoe*, 303 Mich App 633, 648; 846 NW2d 402 (2014) (citation omitted). The issue is decided on a case-by-case basis. *Id*. As a general rule, a witness cannot provide an opinion regarding another person's credibility because credibility determinations are reserved for the jury. *People v Musser*, 494 Mich 337, 348-349; 835 NW2d 319 (2013); *People v Dobek*, 274 Mich App 58, 71; 732 NW2d 546 (2007). "[T]his issue is as much an evidentiary issue as it is a prosecutorial misconduct matter; therefore, we focus on whether the prosecutor elicited the testimony in good faith." *Dobek*, 274 Mich App at 70-71.

During direct examination, an investigating officer testified concerning his interview with defendant as follows:

> *Q*. All right. Did you ever ask Mr. LaRose if he was lying to you?
>
> *A*. In a way, yes. What – what I said was I know you're lying to me. I explained to him that I've had training in interrogation and basically behavior of suspects when interviewing, and I told him that I knew he was lying to me. And he would nod and say yeah. And again I would then ask him to tell me the truth and to explain what happened, and he wouldn't.

Although defendant argues that the officer's response was improper, we note that the officer did not actually testify that defendant was lying. Rather, the officer testified that he told defendant that he thought defendant was lying as an interrogation technique. Furthermore, the officer testified in response to the prosecutor's question whether he asked defendant if defendant was lying. The prosecutor did not ask the witness if he believed that defendant was lying or if he found defendant to be truthful. This questioning did not undermine the jury's province of deciding the ultimate issue of defendant's guilt or innocence. See *Musser*, 494 Mich at 348. This testimony was relevant to the jury's evaluation of defendant's actions during questioning, i.e., whether defendant's repeated nodding of his head was indicative of his alleged agreement with the officer's statement that defendant was not being truthful during questioning. Therefore, the prosecutor did not elicit the answer in bad faith. See *Dobek*, 274 Mich App at 71.

Similarly, we are unpersuaded by defendant's argument that the officer's testimony that he arrested defendant for criminal sexual conduct after the interview constituted an improper credibility opinion because the officer's testimony related what occurred after the incident, and the officer did not state that he believed that defendant was guilty of the crime or that he did not believe defendant's assertions. The record does not indicate that the prosecutor elicited the testimony in bad faith or that the testimony involved an improper credibility opinion. Accordingly, defendant has not demonstrated a plain error in the introduction of this evidence.

During cross-examination, the officer did state that he thought defendant was guilty of the charged crimes. He testified as follows:

> *Q*. And in general in these sort of cases you said – I think you said but please correct me – there's a protocol?
>
> *A*. Not – I wouldn't use the word "protocol." There's a couple different I guess interview techniques that are used.
>
> *Q*. What are those different techniques?
>
> *A*. Reid interrogation, it's – the first part is basically establishing rapport with the suspect. There's certain key questions to ask, the one you brought up earlier, for example, what should happen to a person that did something like this to – there's established responses that generally – and this is all general, of course.
>
> *Q*. Sure.
>
> *A*. A guilty person will give a certain response and an innocent person will give another response. And so these are the questions that I – I would employ and give. Themes is what it's called in Reid. Give themes to kind of encourage a suspect to tell the truth.
>
> *Q*. And is part of the protocol that during – sometime during the interview you tell the individual that you're interviewing I know you did it, I know you did something wrong, please disclose it to me, et cetera, et cetera?
>
> *A*. Not necessarily.
>
> *Q*. Is that – is that a technique that you use or not?
>
> *A*. If I think they're guilty.

The officer's response that he uses the technique if he thinks the suspect is guilty implies that he used the technique on defendant because he believed defendant was guilty. However, these answers were provided in response to defense counsel's questions, which in turn were apparently designed both to reiterate that defendant continually denied sexually assaulting the victim despite any head "nodding" and to show that the interrogating officer routinely told suspects during interrogation that they were not telling him the truth. To the extent that the officer provided his personal belief in defendant's guilt, this was directly elicited by defense counsel and, as such, is

not grounds for relief under a theory of prosecutorial misconduct. See *People v Green*, 228 Mich App 684, 691; 580 NW2d 444 (1998) ("A defendant should not be allowed to assign error on appeal to something his own counsel deemed proper at trial. To do so would allow a defendant to harbor error as an appellate parachute.") (citations omitted). Similarly, to the extent that the officer's testimony during redirect examination that defendant's answers during questioning raised "red flags" could be considered improper, the prosecutor questioned the officer regarding whether defendant's responses raised "red flags" in response to the earlier questions asked by defense counsel. Because defense counsel opened the door to this line of inquiry, the prosecutor's questions did not constitute misconduct. See *id*. Further, given the officer's answers on cross-examination, defendant cannot show that this questioning affected his substantial rights. See *Carines*, 460 Mich at 763.

Defendant raises a concurrent claim of ineffective assistance of counsel concerning this testimony. Because defendant did not raise this claim in a motion for a new trial or request for a *Ginther*[1] hearing, the issue is unpreserved, and review of this issue is limited to errors apparent on the record. See *People v Lopez*, 305 Mich App 686, 693; 854 NW2d 205 (2014). Whether a defendant was denied the effective assistance of counsel is a mixed question of fact and law, and we review for clear error the trial court's findings of fact and de novo the underlying constitutional issue. *People v Johnson*, 293 Mich App 79, 90; 808 NW2d 815 (2011).

To establish ineffective assistance of counsel, "defendant must show that (1) counsel's performance fell below an objective standard of reasonableness and (2) but for counsel's deficient performance, there is a reasonable probability that the outcome would have been different." *People v Trakhtenberg*, 493 Mich 38, 51; 826 NW2d 136 (2012). "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *People v Chenault*, 495 Mich 142, 159 n 10; 845 NW2d 731 (2014) (citation and quotation marks omitted). "We will not substitute our judgment for that of counsel on matters of trial strategy, nor will we use the benefit of hindsight when assessing counsel's competence." *People v Unger*, 278 Mich App 210, 242-243; 749 NW2d 272 (2008). Defendant "has the burden of establishing the factual predicate for his claim of ineffective assistance of counsel." *People v Hoag*, 460 Mich 1, 6; 594 NW2d 57 (1999).

With regard to defense counsel's failure to object to the prosecutor's initial line of questioning that led to the officer's testimony that he told defendant he believed defendant was lying, defense counsel did not render ineffective assistance in failing to object to this line of questioning because the officer did not testify regarding his opinion of defendant's truthfulness. Instead, as discussed above, he testified regarding what he told defendant, as well as defendant's response. Additionally, defense counsel's elicitation of the officer's belief in defendant's guilt was strategic, and was not objectively unreasonable. The apparent purpose of counsel's questioning was to rebut any implication that defendant had agreed with the officer's statements to him by nodding his head or otherwise, and to elicit the officer's admission that the officer routinely told subjects he was questioning that they were not being truthful with him. Although

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[1] *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).

this led to the officer revealing his opinion about defendant's guilt, it also led to the officer's admission that defendant had consistently maintained his innocence during the interview. Defendant has not overcome the presumption of sound trial strategy. "The fact that defense counsel's strategy may not have worked does not constitute ineffective assistance of counsel." *People v Stewart (On Remand)*, 219 Mich App 38, 42; 555 NW2d 715 (1996). In addition, the jury was specifically instructed that it was to judge the evidence and the veracity of the witnesses, and to arrive at its own conclusion whether defendant was guilty or innocent. Jurors are presumed to follow a court's instructions. *Roscoe*, 303 Mich App at 646. Accordingly, defendant has not demonstrated that he is entitled to relief.

II. AVAILABILITY OF TRANSCRIPTS

Defendant next argues that the trial court erroneously responded to a juror's mid-trial inquiry regarding the availability of transcripts by stating, "There are no transcripts, so you have to rely on your memory and your notes as it relates to what's taking place in the courtroom." We disagree.

Because defendant did not object to the trial court's statement at trial, this issue is unpreserved and review is limited to plain error affecting defendant's substantial rights. *Carines*, 460 Mich at 763; *People v Metamora Water Serv, Inc*, 276 Mich App 376, 382; 741 NW2d 61 (2007).

MCR 2.513(P) provides:

> If, after beginning deliberation, the jury requests a review of certain testimony or evidence that has not been allowed into the jury room under subrule (O), the court must exercise its discretion to ensure fairness and to refuse unreasonable requests, but it may not refuse a reasonable request. The court may make a video or audio recording of witness testimony, or prepare an immediate transcript of such testimony, and such tape or transcript, or other testimony or evidence, may be made available to the jury for its consideration. The court may order the jury to deliberate further without the requested review, as long as the possibility of having the testimony or evidence reviewed at a later time is not foreclosed.

Although defendant argues that the trial court's response violated MCR 2.513(P), that rule applies only when a jury asks to review certain testimony or evidence after beginning deliberation. The request in this case occurred mid-trial. Moreover, it involved a blanket inquiry regarding transcripts, not a request to review certain testimony or evidence. Under these circumstances, the trial court's response did not violate MCR 2.513(P). Furthermore, the trial court did not foreclose the possibility that the jury could obtain transcripts in the future, and instead indicated that there were no transcripts when the juror asked during the middle of the trial. See *People v McDonald*, 293 Mich App 292, 297; 811 NW2d 507 (2011) ("The trial court did not tell the jury that transcripts would be unavailable for weeks or months or not available at all. Because the trial court did not foreclose the possibility of the jury obtaining transcripts in the future it did not violate [the court rule]."). Accordingly, there was no plain error affecting defendant's substantial rights. See *Carines*, 460 Mich at 763.

III. PROSECUTORIAL MISCONDUCT

Defendant raises additional issues in a Standard 4 brief, none of which have merit.

Defendant first argues that the prosecutor committed misconduct. We disagree.

There was no objection to the alleged incidents of prosecutorial misconduct at trial, and, therefore, this issue is unpreserved. See *Bennett*, 290 Mich App at 475. We review the unpreserved issue for plain error affecting defendant's substantial rights. *Id*.

Defendant first argues that the prosecutor committed misconduct by allowing the victim to offer perjured testimony. A defendant's right to due process "is violated when there is any reasonable likelihood that a conviction was obtained by the knowing use of perjured testimony." *People v Gratsch*, 299 Mich App 604, 619; 831 NW2d 462 (2013), vacated in part on other grounds 495 Mich 876 (2013). Thus, "a prosecutor has an obligation to correct perjured testimony that relates to the facts of the case or a witness's credibility." *Id*. If a defendant's conviction is obtained through knowing use of perjured testimony, a new trial is required " 'if the tainted evidence is material to the defendant's guilt or punishment.' " *Id*. at 619-620 (citation omitted). However, "[a] prosecutor's good-faith effort to admit evidence does not constitute misconduct." *Dobek*, 274 Mich App at 70. Instead, " '[t]he entire focus of [the] analysis must be on the fairness of the trial, not on the prosecutor's or the court's culpability." *Gratsch*, 299 Mich App at 620 (citation omitted; second alteration in original).

Defendant highlights instances where differences existed between the victim's testimony at the instant trial and an earlier trial in this case, such as how many times the victim may have spoken with someone at the prosecutor's office before trial. However, the inconsistencies listed by defendant do not themselves establish that the prosecutor knowingly used perjured testimony to obtain defendant's conviction. See *People v Parker*, 230 Mich App 677, 690; 584 NW2d 753 (1998) (noting that there was no evidence that the prosecutor attempted to conceal the contradictions in the testimony of the prosecution's witnesses). Despite differences between the victim's trial testimony and her earlier statements, there is no indication that the prosecutor sought to conceal any inconsistencies from defendant, particularly where defense counsel attempted to elicit the victim's admission that she had gone to the prosecutor's office on multiple occasions. Defense counsel explored this issue and elicited that the victim had spoken with the prosecutor before trial. To the extent that the victim may have understated the number of times she had communicated with the prosecutor, defendant could still raise the inference that the victim had changed her story due to her conversations with the prosecutor.

Defendant also points to inconsistencies in the victim's testimony and other facts or evidence presented at trial. However, simply because the testimony of one witness differs from the testimony of other witnesses does not mean that the witness committed perjury. The prosecution is not obligated to disbelieve its own witness merely because the witness's testimony is contradicted by testimony from another witness. *People v Lester*, 232 Mich App 262, 278-279; 591 NW2d 267 (1998), overruled in part on other grounds by *Chenault*, 495 Mich at 159-160. In addition, the fact that the victim could be shown to have misremembered details concerning tangential matters is not equivalent to a conclusion that she was knowingly offering perjured testimony about the sexual abuse itself. Defendant's argument does not involve an

issue of perjury, but of credibility, which was a matter for the jury to resolve. *Unger*, 278 Mich App at 222. No plain error requiring reversal occurred. See *Carines*, 460 Mich at 763.

Defendant further argues that the prosecutor improperly bolstered the investigating officer's testimony concerning defendant's alleged use of a pornographic website and the subsequent attempt to retrieve corroborating data from a cell phone found during a search. Defendant is correct that "a prosecutor may not vouch for the credibility of his witnesses by implying that he has some special knowledge of their truthfulness." *People v Thomas*, 260 Mich App 450, 455; 678 NW2d 631 (2004). However, defendant has not shown how the challenged line of questioning equates to impermissible assertions of special knowledge. The officer's answer concerning whether data had been retrieved, although struck from evidence for a separate reason, clearly indicated that no evidence was retrieved from the phone. Accordingly, there is no merit to defendant's argument. Defendant also notes that the prosecutor commented about the detail the victim revealed concerning the pornographic website. Although defendant maintains that this constituted improper vouching, the prosecutor did not rely on any claim of special knowledge, but on the evidence presented. A prosecutor properly may argue from the facts and testimony presented that the witnesses are credible or worthy of belief. See *Dobek*, 274 Mich App at 66.

Defendant also argues that the prosecutor made numerous misrepresentations or statements not supported by the evidence in her closing arguments. He first maintains that the prosecutor stated, despite evidence to the contrary, that the victim was forced to return to defendant's home for parenting time. A prosecutor may not argue facts not admitted into evidence, but is free to argue the evidence and all reasonable inferences arising from the evidence as it relates to his or her theory of the case. *Unger*, 278 Mich App at 236. During closing argument, in an attempt to explain why the victim would have no reason to lie in March 2014, when she finally revealed the details of the alleged abuse, the prosecutor explained that the victim had already decided in December 2013 or January 2014 not to return to defendant's home. This was consistent with the testimony at trial. During rebuttal argument, the prosecutor did state that the victim was defendant's daughter who had to return to the home for parenting time. However, this was in direct response to defense counsel's closing argument concerning the victim's decision not to immediately report the abuse and was a fair comment on the evidence presented during trial. Defendant has not shown that he is entitled to relief.

Defendant also argues that the prosecutor improperly used a pen and coffee cup as demonstrative evidence during closing argument. This example, used during rebuttal argument, was made in response to defense counsel's assertion concerning defendant's ability to have intercourse with the victim against her will had he wanted to do so. "A prosecutor need not confine argument to the 'blandest of all possible terms,' but has wide latitude and may argue the evidence and all reasonable inferences from it." *People v Aldrich*, 246 Mich App 101, 112; 631 NW2d 67 (2001) (citations omitted). Therefore, the prosecutor's comments did not constitute misconduct.

Defendant also complains that the prosecutor tried to "discredit" him during closing argument by making various "misrepresentations." Defendant cites a difference between comments made by the prosecutor and defendant's trial testimony about whether defendant had attempted to contact the victim. However, the question during defendant's testimony concerned

whether defendant had attempted to contact the victim after she decided not to see him following their argument in December 2013 or January 2014. In contrast, the prosecutor's comment referred to defendant's lack of any attempt to contact the victim once she made the allegations against him in March 2014. Defendant has not shown that the prosecutor's comment was improper.

Defendant also argues that the prosecutor presented an improper argument when she discussed defendant's response to the investigating officer during the interview. This argument involved a comment on defendant's answer to the officer, and the officer's response concerning why this raised a "red flag" during the interrogation. The prosecutor's statements constituted proper commentary on the evidence presented during trial. See *People v Howard*, 226 Mich App 528, 548; 575 NW2d 16 (1997).

In light of the foregoing, defendant has not established a plain error involving the prosecutor's comments and conduct at trial. Accordingly, defendant has also not shown that defense counsel was ineffective for not objecting to the prosecutor's conduct. The failure to make a meritless objection does not establish ineffective assistance of counsel. See *People v Ericksen*, 288 Mich App 192, 201; 793 NW2d 120 (2010).

IV. INEFFECTIVE ASSISTANCE

Defendant next argues that defense counsel was ineffective for failing to properly investigate and prepare for trial. We disagree.

Defendant failed to preserve this issue by moving for a new trial or a *Ginther* hearing in the trial court. See *Lopez*, 305 Mich App at 693. Therefore, the issue is reviewed for errors apparent on the record. *Id*. As stated above, whether a defendant was denied the effective assistance of counsel is a mixed question of fact and law, and we review for clear error the trial court's findings of fact and de novo the underlying constitutional issue. *Johnson*, 293 Mich App at 90.

The failure to conduct an adequate investigation can constitute ineffective assistance of counsel if it undermines confidence in the outcome of the trial. *People v Russell*, 297 Mich App 707, 716; 825 NW2d 623 (2012). However, defendant has the burden of establishing the factual predicate for his claim of ineffective assistance. See *Hoag*, 460 Mich at 6. In addition, "[d]ecisions regarding whether to call or question witnesses are presumed to be matters of trial strategy," and will only constitute ineffective assistance when " 'it deprives the defendant of a substantial defense.' " *Russell*, 297 Mich App at 716 (citation omitted). In this case, defendant has attached materials to his brief in support of his claim that the victim made inconsistent statements during trial, but he offers no record support showing that he told counsel about either document. "[I]t is impermissible to expand the record on appeal," *People v Powell*, 235 Mich

App 557, 561 n 4; 599 NW2d 499 (1999), and defendant has not filed an appropriate motion to expand the record on appeal. Accordingly, we reject this claim of error.[2]

V. COUNSEL AT ARRAIGNMENT ON WARRANT

Defendant next argues that reversal is required because he did not have the benefit of counsel during his arraignment on the warrant. We disagree.

Defendant did not preserve the issue by raising it in the trial court. *People v Green*, 260 Mich App 392, 398; 677 NW2d 363 (2004), overruled in part on other grounds by *People v Anstey*, 476 Mich 436, 447 n 9; 719 NW2d 579 (2006). Therefore, the issue is reviewed for plain error affecting defendant's substantial rights. *Green*, 260 Mich App at 398-399.

We find no merit to this argument because an arraignment on the warrant is not a critical stage of a criminal proceeding, at least not for the purpose of appointment of counsel, because it does not involve a stage where a defendant's "rights may be sacrificed or defenses lost." *Green*, 260 Mich App at 399-400. Stated otherwise, the arraignment on a warrant does not affect defendant's right to a fair trial. *Id*. at 400. Defendant has not established anything about the arraignment in this case that compels a different result. Similar to the defendant in *Green*, defendant was asked whether he understood the charges against him and informed of his right to an attorney. *Id*. at 399-400. Other than questions concerning bond conditions and attorney appointment, he was not asked any other questions about the charges, or asked to enter a plea. He did not waive any defenses. Defendant complains that the lack of counsel may have affected the terms of his bond. However, once trial counsel was appointed, counsel moved for a reduction of bond, which the trial court denied. Defendant is not entitled to relief with respect to this issue. See *id*.

VI. DELAY BETWEEN ARREST AND ARRAIGNMENT

Defendant lastly argues that he is entitled to relief due to the delay between his arrest on March 6, 2014, and the March 10, 2014 arraignment on the warrant. We disagree.

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[2] Defendant also briefly argues that defense counsel failed to subject the prosecution's case to meaningful adversarial testing by failing to present exculpatory evidence and by making very few objections. When a defense attorney entirely fails to subject the prosecution's case to meaningful adversarial testing, his performance is so deficient that prejudice is presumed. *People v Frazier*, 478 Mich 231, 243 & n 10; 733 NW2d 713 (2007). However, a review of the record indicates that defense counsel *did* subject the prosecution's case to meaningful adversarial testing. Defense counsel presented an opening statement and closing argument, filed various motions throughout the proceedings, and cross-examined witnesses, among other things. Defendant fails to state what exculpatory evidence his counsel should have presented and whether he informed his attorney about the evidence. Furthermore, to the extent that defense counsel made few objections, we conclude that the fact that defense counsel failed to object to every potential erroneous action by the prosecutor did not amount to a lack of meaningful adversarial testing. See *id*.

Defendant did not raise this issue in the trial court, and it is therefore unpreserved. *People v Cain*, 299 Mich App 27, 48; 829 NW2d 37 (2012), vacated in part on other grounds 495 Mich 874 (2013). The issue is reviewed for plain error affecting defendant's substantial rights. *Id*.

"Michigan statutory law requires that an arrested person be brought before a magistrate for arraignment 'without unnecessary delay.' " *People v Cipriano*, 431 Mich 315, 319; 429 NW2d 781 (1988) (citation omitted). "A delay of more than 48 hours after arrest is presumptively unreasonable unless there are extraordinary circumstances." *Cain*, 299 Mich App at 49. However, a delay in an arraignment does not entitle a defendant to dismissal of the prosecution or reversal of a conviction on appeal. Rather, the appropriate remedy is suppression of any evidence directly procured as result of the unlawful detention. *Cipriano*, 431 Mich at 320-321; *Cain*, 299 Mich App at 49. If there is no evidence to suppress, the defendant cannot establish that the delay affected the outcome of the proceedings. *Cain*, 299 Mich App at 48-50. Even assuming that there was an unreasonable delay, defendant has neither identified any evidence that was improperly obtained as a result of the delay, nor asserted that any evidence presented at trial should have been suppressed. Likewise, he has not described any other way in which he was prejudiced by any delay. Accordingly, defendant has not established any basis for relief due to the alleged arraignment delay. To the extent that defendant raises any additional arguments in his Standard 4 brief that are not specifically addressed in this opinion, we have reviewed and rejected all of his arguments.

Affirmed.

/s/ Kathleen Jansen
/s/ Peter D. O'Connell
/s/ Michael J. Riordan