

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID MENZEL ORTEGA,

Defendant-Appellant.

UNPUBLISHED

September 28, 2026

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No. 371371

Shiawassee Circuit Court

LC No. 2023-008078-FH

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID MENZEL ORTEGA,

Defendant-Appellant.

No. 371372

Shiawassee Circuit Court

LC No. 2023-008079-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID MENZEL ORTEGA,

Defendant-Appellant.

No. 371375

Shiawassee Circuit Court

LC No. 2023-008080-FH

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Before: MARIANI, P.J., and FEENEY and TREBILCOCK, JJ.

PER CURIAM.

Based on evidence that he assaulted his ex-fiancée on several occasions and then tried to convince her not to testify against him, a jury convicted defendant, David Ortega, of numerous crimes, including aggravated assault, first-degree criminal sexual assault, and three counts of witness bribery. He now appeals, claiming that several trial-court errors and instances of ineffective assistance of counsel denied him a fair trial. We disagree and affirm.

I. FACTUAL BACKGROUND

Defendant met the complainant in 2012. By the following month they were engaged, and she soon became pregnant. The couple broke up a short time later after defendant choked the complainant in a parking lot. Defendant was convicted on a domestic-violence charge for doing so.

Over the next decade, the two had intermittent contact. Their interludes eventually led to the renewal of their romantic partnership in 2022. But his abuse of her persisted.

On one occasion in March 2023, defendant physically assaulted the complainant and prevented her from leaving her apartment. Less than two weeks later, he showed up at her apartment uninvited, tried to break in, and then fled from police when confronted. The latter incident resulted in his arrest. He was released on bond shortly after, on the condition that he could not contact the complainant.

Ignoring that court order, defendant accosted the complainant at her apartment complex in early April. He choked her, broke her phone, and digitally penetrated her vagina. And as he left, defendant told her that she would be “dead in [her] car” by the end of the day.

Defendant’s contact with the complainant did not end there, despite a court order prohibiting it. Through phone calls and (intercepted) letters from jail, he tried to convince the complainant not to appear for court proceedings or testify against him. To that end, defendant told her that his parents would “buy [her] a house and pay \$40,000 off on it.”

The prosecution ultimately charged defendant with numerous crimes arising from these incidents in four separate cases. At least three different attorneys represented defendant leading up to trial—two withdrew before trial began (his “pretrial counsel”), and one stayed on through the trial and certain posttrial proceedings (his “trial counsel”).

After a consolidated four-day trial, a jury convicted defendant of (1) stalking, MCL 750.411h; (2) aggravated stalking, MCL 750.411i; (3) malicious destruction of personal property more than \$1,000 but less than \$20,000, MCL 750.377a(1)(b)(1); (4) unarmed robbery, MCL 750.530; (5) two counts of assault with intent to cause great bodily harm less than murder, MCL 750.84; (6) first-degree criminal sexual conduct, MCL 750.520b; (7) witness intimidation, MCL 750.122(7)(c); (8) unlawful imprisonment, MCL 750.349b; and (9) three counts of witness bribery, MCL 750.122(7)(b).¹ Defendant's trial counsel later moved for a new trial, which the trial court denied. It also denied an associated motion for reconsideration.

Defendant then appealed, arguing that his trial counsel rendered ineffective assistance by failing to object to the prosecution's expert witness and by inadequately presenting exculpatory evidence in both the motion for a new trial and motion for reconsideration. Under an issue statement regarding the trial court's allegedly erroneous denial of defendant's emergency motion to adjourn the trial, he further claimed that his pretrial counsel were each ineffective for failing to file an alibi notice. He also contended that the trial court made various evidentiary errors, improperly denied his midtrial motion for mistrial, and deprived him of a fair trial by continuously interrupting and objecting to testimony from defense witnesses.

Concurrently with his appeal, defendant moved in this Court to remand for a *Ginther* hearing.² Defendant based this motion on the three ineffective-assistance claims substantively addressed in his appellate brief: (1) pretrial counsel's respective failures to file an alibi notice, (2) trial counsel's lack of objection to the prosecution's proposed expert witness, and (3) trial counsel's failure to adequately identify exculpatory evidence in his posttrial motions. He further claimed that the cumulative effect of these errors denied him a fair trial.

We granted defendant's motion and remanded "for an evidentiary hearing and decision whether defendant was denied the effective assistance of counsel or should otherwise be granted a new trial." *People v Ortega*, unpublished order of the Court of Appeals, entered Feb 25, 2025 (Docket Nos. 371371, 371372, 371375, and 371376). Our order expressly limited such proceedings "to the issues raised in the motion to remand." *Id.* The trial court held a *Ginther* hearing, after which it concluded that defendant did not demonstrate ineffective assistance of counsel or that he was otherwise entitled to a new trial.

Back from remand, we now address defendant's arguments with the benefit of the trial court's post-*Ginther*-hearing conclusions and the parties' supplemental briefing. As set forth below, defendant presents many issues that are not properly before us because he did not include them in his statement of the questions presented, they are outside the scope of the limited remand, or they are inadequately briefed on appeal. We thus begin with an analysis of the issues properly presented to us, before detailing why the remaining issues are not.

¹ The court and prosecution dismissed various other charges against defendant, which are not at issue in this appeal.

² *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).

II. INEFFECTIVE ASSISTANCE OF COUNSEL

We address first whether defendant’s trial counsel rendered constitutionally ineffective assistance.

A. LEGAL OVERVIEW AND STANDARD OF REVIEW

Both the United States and Michigan Constitutions guarantee criminal defendants the right to the effective assistance of counsel. *People v Trakhtenberg*, 493 Mich 38, 51; 826 NW2d 136 (2012), citing US Const Am VI and Const 1963, art 1, § 20. To succeed on an ineffective-assistance-of-counsel claim, a defendant must show: “(1) that counsel’s performance fell below an objective standard of reasonableness under prevailing professional norms and (2) that there is a reasonable probability that, but for counsel’s error, the result of the proceedings would have been different.” *People v Abcumby-Blair*, 335 Mich App 210, 228; 966 NW2d 437 (2020). As to the latter, “[a] reasonable probability is a probability sufficient to undermine confidence in the outcome.” *People v Yeager*, 511 Mich 478, 488; 999 NW2d 490 (2023) (quotation marks and citations omitted). Attorneys are generally “given broad latitude to determine trial strategy, and there is a strong presumption that counsel’s performance was born from sound strategy.” *Id.* Still, an attorney’s “strategic decisions must be objectively reasonable.” *Id.*

“Whether a defendant has received ineffective assistance of counsel is a mixed question of fact and constitutional law.” *Id.* at 487. In this regard, we review the trial court’s factual findings for clear error and questions of constitutional law de novo. *People v Ackley*, 497 Mich 381, 388; 870 NW2d 858 (2015). However, our review of unpreserved ineffective-assistance claims—i.e., those not raised in a motion for a new trial or for an evidentiary hearing in the trial court, nor a motion to remand for a *Ginther* hearing in this Court—is limited to errors apparent on the record. *People v Nelson*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 375156); slip op at 3.

B. EXPERT TESTIMONY

The only ineffective assistance of counsel claim properly before us is defendant’s contention that his trial counsel failed to challenge the qualifications of the prosecution’s expert witness, Holly Rosen, or request a hearing regarding the reliability of her testimony. He preserved this issue by raising it in his appellate motion to remand. *Abcumby-Blair*, 335 Mich App at 227.

Expert testimony is generally inadmissible “unless the trial court first determines that the expert’s theories, methodology, and underlying data are reliable under MRE 702, which in turn, incorporates the standards of reliability that the United States Supreme Court established in *Daubert v Merrell Dow Pharm, Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993).” *People v Spaulding*, 332 Mich App 638, 658; 957 NW2d 843 (2020). “The evidence must also have rational benefit to the trier of fact’s ability to resolve a fact at issue in the matter.” *Id.* A so-called *Daubert* hearing, for its part, is “an evidentiary hearing under MRE 702 and MCL 600.2955 specifically to make the threshold determination that the trier of fact is not called on to rely in whole or in part on an expert opinion that is only masquerading as science.” *Id.* (quotation marks and citation omitted).

Contrary to defendant's assertion that "no record was made relative to [Rosen's] qualifications," Rosen testified as to her education, decades of experience, professional accolades, and her having served as an expert witness in that and other courts over 100 times. In light of that testimony and Rosen's curricula vitae (admitted into evidence without objection, and to which defendant raises no challenge on appeal), the trial court qualified Rosen as an expert and permitted her to testify "as to her opinion . . . in the field of victimization and trauma dynamics through sexual assault and domestic violence and nonintuitive victim responses."

With that record clarification, we turn to defendant's claim that his trial counsel's failure to challenge Rosen's certification as an expert or request a *Daubert* hearing deprived the court of the opportunity to undertake its necessary gatekeeping function and prejudiced him by allowing unreliable expert testimony that bolstered the complainant's credibility in a "'he-said, she-said' case." He relatedly disputes the trial court's post-*Ginther*-hearing finding that the decision not to move for a *Daubert* hearing was a strategic one, based on trial counsel's belief that it was better to challenge Rosen through cross-examination than request a futile *Daubert* hearing.

Defendant does not meaningfully challenge Rosen's qualifications. Nor does he acknowledge, let alone reckon with, this Court's precedent demonstrating the futility of the challenge he insists trial counsel should have made: "[I]t is well-established that battered-partner syndrome is from a recognized discipline. It has also long been recognized that the behavior of victims of varying kinds of trauma often appears irrational and confusing to most people; and expert testimony is admissible and appropriate to explain that behavior with no need to engage in an analysis of scientific reliability." *Spaulding*, 332 Mich App at 659 (quotation marks, citations, and footnote omitted). Considering this, his trial counsel "would have had no grounds for requesting a *Daubert* hearing into the scientific reliability" of Rosen's expert testimony under the present circumstances. *Id.* And as we have said many times over, the "[f]ailure to raise a futile objection or advance a meritless argument does not constitute ineffective assistance of counsel." *People v Isrow*, 339 Mich App 522, 532; 984 NW2d 528 (2021).³

III. ALLEGED EVIDENTIARY ERRORS

Having disposed of defendant's properly presented ineffective assistance of counsel arguments, we turn next to his claims that the trial court committed compounding evidentiary errors entitling him to relief. We again disagree.

"To preserve an evidentiary issue for review, a party opposing the admission of evidence must object at trial and specify the same ground for objection that it asserts on appeal." *People v*

³ Defendant also claims the cumulative effect of his trial counsel's constitutionally deficient performance denied him of a fair trial. We disagree. True, "[t]he cumulative effect of several errors can constitute sufficient prejudice to warrant reversal where the prejudice of any one error would not." *People v Eisen*, 296 Mich App 326, 335; 820 NW2d 229 (2012) (quotation marks and citation omitted). But defendant has not demonstrated an accumulation of errors (especially given his woeful presentation of issues on appeal as set forth in text), and thus is not entitled to relief on this basis.

Thorpe, 504 Mich 230, 252; 934 NW2d 693 (2019). We review preserved evidentiary rulings for an abuse of discretion, *People v Parrott*, 335 Mich App 648, 565; 968 NW2d 548 (2021), and review de novo preliminary questions of law such as the admissibility of evidence under a statute or rule of evidence, *id.* Our review of unpreserved evidentiary issues, however, is for plain error affecting the defendant’s substantial rights. *People v Lowrey*, 342 Mich App 99, 108; 993 NW2d 62 (2022). Under that standard, the defendant must demonstrate that “(1) an error occurred, (2) the error was plain, i.e., clear or obvious, and (3) the plain error prejudiced substantial rights, i.e., the error affected the outcome of the lower court proceedings.” *People v Francis*, 347 Mich App 560, 566; 16 NW3d 323 (2023) (quotation marks and citation omitted).

A. MRE 404(B)

For his first evidentiary challenge, defendant claims the trial court improperly admitted evidence of prior bad acts under MRE 404(b).

MRE 404(b)(1) prohibits the admission of “[e]vidence of any other crime, wrong, or act . . . to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” But there is an exception to that general rule: “If it is material, the evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, scheme, plan, or system in doing an act, knowledge, identity, absence of mistake, or lack of accident.” MRE 404(b)(2). A prosecutor seeking to introduce such evidence in a criminal case must generally provide defendant written notice of its intention to do so at least 14 days before trial. MRE 404(b)(3).

The prosecution provided such notice here. Defendant, however, challenges the sufficiency of that notice and claims the trial court improperly allowed evidence of his prior bad acts without first requiring the prosecution to identify the specific evidence at issue or explain its noncharacter purpose. This argument is preserved, because he objected to the prosecution’s MRE 404(b) notice on similar grounds below. *Thorpe*, 504 Mich at 252.

Defendant’s argument begins its topple with his failure to mention that previous objection, the prosecution’s response, or the hearing at which the trial court heard his challenge. It then falls completely with what occurred during the hearing. There, the parties discussed two specific sources of evidence: (1) testimony regarding calls defendant allegedly made to the complainant’s employer, and (2) letters intercepted from defendant in jail. The prosecution withdrew its request to introduce the former, leaving only the jail letters at issue. Those, the trial court ruled, did not fall under MRE 404(b) “at all.” Rather, they constituted substantive evidence of witness tampering and were not more prejudicial than probative. Defendant does not challenge the substantive-evidence basis of that ruling, thus abandoning any argument he may have regarding the letters’ admission. See *Cox v Hartman*, 322 Mich App 292, 314; 911 NW2d 219 (2017).

Rather than focusing on the jail letters, defendant seizes on the notice’s two brief references to Rosen’s expert testimony, which the prosecution expected would address “common perpetrator tactics in domestic violence and sexual assault cases[.]” As defendant sees it, Rosen “was not a proper 404(b) witness.” He did not raise this particular challenge below, rendering it unpreserved and subject to plain-error review. *Lowrey*, 342 Mich App at 108. He cannot demonstrate entitlement to relief under that exacting standard, however, because he concedes that Rosen did

not testify at trial regarding any of defendant's personal actions. Stated otherwise, because Rosen did not testify regarding any prior bad acts, defendant cannot demonstrate that the trial court plainly erred, let alone in a manner affecting his substantial rights, *id.*, by failing to exclude her testimony under MRE 404(b).

Defendant also raises an unpreserved challenge to the complainant's testimony that he choked her on March 15, 2023, conduct for which he faced no charges at trial. But he fails to recognize that, even if the disputed testimony was inadmissible under MRE 404(b), the prosecution did not seek its admission under that rule. Rather, it notified defendant of its intent to introduce that testimony under MCL 768.28b, "an exception to the general bar against propensity evidence in MRE 404(b)." *People v Wade*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 369106); slip op at 10. This exception in part allows, "in prosecutions for offenses involving domestic violence," "evidence of a defendant's prior commission of domestic violence . . . to show the defendant's character or propensity to commit such acts." *Id.* (quotation marks and citation omitted). Because defendant does not challenge the disputed testimony's separate admissibility under that provision, he cannot demonstrate that its inclusion affected his substantial rights.

B. COMPOUNDING EVIDENTIARY ERROR

Defendant further asserts the trial court compounded these purported evidentiary errors by allowing hearsay testimony from three witnesses—the complainant's neighbor, her friend, and her mother—regarding incidents that occurred between the complainant and defendant during their volatile relationship. Generously interpreted, his argument suggests the prosecutor elicited testimony under MCL 768.27c, and the trial court erred by allowing such "continuous" testimony regarding defendant's "purported prior acts of domestic abuse."⁴ He did not raise any of these challenges below, so we review for plain error. *Lowrey*, 342 Mich App at 108.

We fail to see any connection between MCL 768.27c and the admission of the disputed testimony.⁵ Generally speaking, that statute relates to the admission in domestic-violence cases of statements made to law enforcement officers. MCL 768.27c(1); see also *People v Meissner*, 294 Mich App 438, 445; 812 NW2d 37 (2011). All of the testimony defendant cites, by contrast, involve statements the complainant made to non-law-enforcement acquaintances or a relative.

⁴ Defendant also makes a one-sentence assertion that the prosecutor's elicitation of the challenged testimony constituted prosecutorial misconduct. His failure to "properly address the merits of his assertion of error constitutes abandonment," and we thus decline to address it. *People v Smart*, 304 Mich App 244, 251; 850 NW2d 579 (2014).

⁵ We also note defendant does not substantively address that statute's application. Nor does he identify any record connection between MCL 768.27c and the testimony at issue. Defendant "may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment with little or no citation of supporting authority." *People v Kroll*, 341 Mich App 217, 236 n 15; 989 NW2d 822 (2022) (quotation marks and citation omitted). So in addition to failing on the merits, this is another instance of abandonment.

And the prosecution's pretrial notice to introduce evidence under MCL 768.27c did not reference those witnesses.

In the two instances where defendant's trial counsel objected to the disputed testimony (from the neighbor and the complainant's friend, respectively), he did so on hearsay grounds. The trial court overruled the first objection, finding that an exception to the rule against hearsay, MRE 803(2) (excited utterance), applied. Though the trial court did not formally rule on the other objection, it instructed the prosecutor to "[l]ay a little more foundation to get [the] statements in" under either MRE 803(1) (present sense impression) or (3) (state of mind). Defense counsel did not renew his objection or otherwise challenge the sufficiency of the foundation the prosecutor then elicited. On appeal, defendant does not challenge any of the testimony's admissibility under MRE 803 or claim the prosecutor failed to lay a proper foundation for the latter. Considering his failure to address the admissibility of the testimony under MRE 803, we cannot conclude that its admission was plainly erroneous or affected the outcome of the trial, particularly in light of the abundance of other unchallenged evidence against defendant presented at trial. *Francis*, 347 Mich App at 566.

The remaining testimony (from the complainant's mother) went unobjected to, whether under MCL 768.27c or otherwise. As noted, defendant has not demonstrated any connection between the disputed testimony and MCL 769.27c. He also has not claimed that it was inadmissible under any other statute or evidentiary rule. Accordingly, he has not demonstrated that the trial court's allowance of such testimony constituted a plain error or affected his substantial rights. *Francis*, 347 Mich App at 566.

IV. DENIAL OF MOTION FOR MISTRIAL

In his next claim of error, defendant insists the trial court erred by denying his motion for a mistrial after the prosecutor elicited testimony revealing that defendant remained incarcerated at the time of trial. On abuse-of-discretion review, *People v Flores*, 346 Mich App 602, 608; 13 NW3d 668 (2023), we disagree.

Defendant's motion for a mistrial arose from the prosecution's questioning of a corrections officer who intercepted two suspicious pieces of mail from defendant in November 2023:

Q. All right. Are you familiar with [defendant]?

A. Yes, I am.

Q. And how often do you see him?

A. At least, if not once a day, a couple of times a day.

The trial court immediately took issue with this line of questioning (out of the jury's presence), emphasizing that the jury was not supposed to know defendant was presently incarcerated. Defendant then moved for a mistrial. After giving the parties the opportunity to argue and brief the issue, the trial court found the prosecutor engaged in misconduct by eliciting testimony regarding defendant's incarceration status. It nonetheless denied the motion, concluding that the prosecutor had not meant to introduce evidence of defendant's present incarceration.

Noting that “information” regarding defendant’s past incarceration had “permeated” and would “likely . . . continue permeating” the trial, the trial court further concluded that the challenged testimony did not render a fair trial impossible and that a jury instruction would cure any error. At defense counsel’s request, the court provided the curative instruction in the closing jury instructions. Defendant’s trial counsel stipulated to the closing instructions, and defendant has not substantively challenged the adequacy of the curative instruction on appeal.

On review of the record, we cannot conclude that the trial court’s decision to deny defendant’s motion for a mistrial fell outside the range of principled outcomes so as to constitute an abuse of discretion. The standard to prevail on such a motion is a high one: “the moving party must establish that the error complained of is so egregious that the prejudicial effect can be removed in no other way.” *People v Dickinson*, 321 Mich App 1, 18; 909 NW2d 24 (2017) (quotation marks and citation omitted). Defendant cannot demonstrate that the single, vague reference to his trial-time incarceration was so egregious that the trial court’s curative instruction could not remove any resulting prejudice. Indeed, “[j]urors are presumed to follow their instructions, and jury instructions are presumed to cure most errors.” *People v Zitka*, 335 Mich App 324, 348; 966 NW2d 786 (2020) (quotation marks and citation omitted).

Disagreeing, defendant cites several other times during trial when witnesses discussed his incarceration. But each such instance involved his incarceration *before* trial. And all of it either related to the three charges of witness bribery before the jury (based on jail calls defendant made to the complainant in July 2023), were in response to defense counsel’s own reference to defendant’s past incarceration, or were unresponsive to the question asked. Considering the nature of some of the charges against defendant, we cannot agree that such testimony—even when combined with the correction officer’s vague reference to seeing defendant in jail—prejudiced defendant’s defense so severely that the court’s later instruction was insufficient to cure it.

V. REMAINING ISSUES

We conclude with a brief discussion of the issues not properly before us.

First, defendant claims his pretrial counsel each rendered ineffective assistance by failing to file an alibi notice. We are precluded, however, from considering the merits of these claims due to defendant’s abandonment of them. Our court rules require an appellant to identify all issues appealed in his or her statement of questions presented, MCR 7.212(C)(5), and we consider abandoned any issue not listed, *People v Haynes*, 338 Mich App 392, 435 n 5; 980 NW2d 66 (2021). Here, defendant did not identify these claims in his statement of the questions presented, rendering those claims not properly before us.⁶

⁶ Defendant has also abandoned the issue actually raised in his accompanying statement of the question presented—whether the trial court erred by denying his emergency motion to adjourn—by failing to brief its merits. See, e.g., *People v Canter*, 197 Mich App 550, 565; 496 NW2d 336 (1992) (considering an argument abandoned where the defendant failed to address its merits in his appellate briefing).

Defendant next contends his trial counsel provided ineffective assistance by failing to (1) investigate and advance a potential impossibility defense arising from an alleged hand injury he suffered before the final assault on the complainant, and (2) impeach the complainant using evidence of that hand injury. These claims are also not properly before us, because both were not raised in defendant's initial appellate brief and fall outside the scope of our subsequent remand order. "When a case is remanded by an appellate court, proceedings on remand are limited to the scope of the remand order." *People v Canter*, 197 Mich App 550, 567; 496 NW2d 336 (1992). Our remand order here expressly restricted the ensuing lower-court proceedings to issues defendant raised in his appellate motion to remand. *Ortega*, unpub order. He did not raise either argument in that motion, and this Court has already denied his post-remand request to expand the scope of our appellate review to include these two new arguments. *People v Ortega*, unpublished order of the Court of Appeals, entered August 12, 2025 (Docket Nos. 371371, 371372, 371375, and 371376). These issues are therefore not properly before us, and we decline to address them.

He also contends trial counsel rendered ineffective assistance by failing to adequately identify and present exculpatory evidence in his motion for a new trial and accompanying motion for reconsideration. Defendant believes this failure could not have been borne of trial strategy and that it affected the outcome of both motions. But to demonstrate entitlement to relief, he has to show a "reasonable probability that, but for counsel's error, the result of the proceedings would have been different." *Abcumby-Blair*, 335 Mich App at 228. To do so in this case, he needed to show a reasonable probability that the trial court would have otherwise granted at least one of the motions. Yet he provides only a passing mention of the legal requirements to prevail on a motion for a new trial, and no discussion at all of the legal standards underlying a motion for reconsideration. Defendant cannot simply announce a position and leave it for this Court to conjure the appropriate analysis to support his desired outcome. *People v Kroll*, 341 Mich App 217, 236 n 15; 989 NW2d 822 (2022). Without any substantive analysis of, or legal support for, his purported entitlement to a new trial or reconsideration, defendant cannot demonstrate a reasonable probability of a different outcome.

Finally, defendant argues that the trial court's continuous interruptions and objections during the direct examination of two defense witnesses constituted judicial misconduct that denied him due process, deprived him of the right to present a defense, prevented him from getting a fair trial, and undermined confidence in the jury's verdict.⁷ Specifically, the trial court interjected on its own several times during the direct examination of certain defense witnesses to address the relevancy or repetitiveness of testimony, failure to lay a proper foundation, improper leading of witnesses, or the witnesses' behavior (e.g., speaking over counsel and the court). But trial courts have a duty "to control all proceedings during the trial" and "limit the introduction of evidence . . . to relevant and material matters, with a view to the expeditious and effective ascertainment of the truth regarding the matters involved." MCL 768.29. They also have "broad," albeit "not unlimited," discretion to control their own proceedings. *People v Boshell*, 337 Mich App 322, 347; 975 NW2d 72 (2021). Defendant does not identify any authority indicating that the court's interjections ran afoul of such duties. Nor does he address the legal principles underlying

⁷ Most of the alleged interruptions of which defendant complains were actually responsive to the prosecutor's objections (rather than sua sponte).

his ultimate claim of judicial misconduct or partiality, relying instead on a cursory discussion of general legal principles. The inadequacy of defendant's briefing constitutes abandonment, *Kroll*, 341 Mich App at 236 n 15, and we will not engage in a substantive analysis on his behalf.

VI. CONCLUSION

For these reasons, we affirm defendant's convictions.

/s/ Philip P. Mariani
/s/ Kathleen A. Feeney
/s/ Christopher M. Trebilcock