

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS CHARLES OLSON,

Defendant-Appellant.

UNPUBLISHED

September 23, 2026

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No. 370978

Clinton Circuit Court

LC No. 2023-011383-FC

Before: WALLACE, P.J., and CAMERON and KOROBKIN, JJ.

PER CURIAM.

Defendant appeals by right his jury trial convictions of second-degree murder, MCL 750.317, and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. Defendant was sentenced to 270 months’ to 60 years’ imprisonment for the murder conviction and 2 years’ imprisonment for the felony-firearm conviction. We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

In November 2018, the victim was hunting at the Rose Lake Game Area in Bath Township when he was shot in the back of the head. Investigators discovered boot prints and a plastic bag containing deer spray that they later determined contained defendant’s DNA. The investigation eventually went cold. In 2020, defendant became a suspect after a search warrant revealed that his cell phone had been near the crime scene at the time of the murder. By then, defendant had moved to Costa Rica. Defendant voluntarily provided his cell phone to investigators, who discovered multiple incriminating text messages in which defendant joked about the murder and used racial slurs referring to the victim’s ethnicity.

At trial, Detective Brian Miller discussed these text messages and presented defendant’s Internet search history. The history showed that defendant had repeatedly searched for information about a “missing hunter” and local law enforcement agencies before the general public knew about the victim’s death. The parties also stipulated to admit a ballistic report from the Federal Bureau of Investigation (FBI). The report exonerated another suspect but did not test defendant’s firearm or ammunition. Detective Miller acknowledged that there was no firearms evidence establishing that defendant’s firearm fired the bullet fragments that were recovered from the victim’s body.

Sergeant Patrick McPherson testified about the boot prints at the scene. He explained that the boot prints merged with other prints before eventually splitting off toward the deer spray. But McPherson agreed that there was no evidence that the boot prints found at the scene led directly from the victim's body to the deer spray. During closing argument, however, the prosecution nevertheless characterized the evidence as establishing a "tread path" between the victim's body and the can of deer spray. Defendant's trial counsel did not object. The jury ultimately found defendant guilty as charged.

In 2025, defendant moved for a new trial, arguing that his trial counsel was ineffective for failing to (1) consult a firearms expert, (2) object to the prosecutor's closing statements concerning a path of footprints leading from the victim's body to the bag with defendant's DNA, and (3) present evidence explaining why defendant appeared to know about the murder before the general public.

The trial court held a *Ginther*¹ hearing. Defendant presented the testimony of a firearm expert who explained why he believed the FBI ballistics report excluded defendant's firearm. Defendant also presented the expert testimony of a career criminal defense attorney, who opined that trial counsel's performance fell below an objective standard of reasonableness.

Defendant's trial attorneys testified that they did not consult a firearm expert because there was no evidence connecting defendant's firearm to the murder and because they did not want to open the door to potentially damaging evidence. Trial counsels also explained that they did not object to the prosecutor's tread path argument because the trial court instructed the jury that statements made in closing were not evidence. Finally, trial counsels testified that they chose not to present evidence that defendant was at the game area the morning after the murder because doing so could have resulted in the introduction of GPS data suggesting that defendant was near the victim's body and could have opened the door to damaging rebuttal from potential witnesses. The trial court concluded that defendant was not entitled to a new trial because he was not denied the effective assistance of counsel. This appeal followed.

II. STANDARDS OF REVIEW

"This Court reviews a trial court's decision to grant or deny a motion for a new trial for an abuse of discretion." *People v Johnson*, 502 Mich 541, 564; 918 NW2d 676 (2018). "An abuse of discretion occurs when a trial court's decision falls outside the range of reasonable and principled outcomes." *Id.* (quotation marks and citation omitted). "[W]hether defense counsel performed ineffectively is a mixed question of law and fact; this Court reviews for clear error the trial court's findings of fact and reviews de novo questions of constitutional law." *People v Trakhtenberg*, 493 Mich 38, 47; 826 NW2d 136 (2012). Clear error occurs when this Court has a "definite and firm conviction that the trial court made a mistake." *People v Douglas*, 496 Mich 557, 592; 852 NW2d 587 (2014) (quotation marks and citation omitted).

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

III. ANALYSIS

Defendant argues that he is entitled to a new trial because he was denied the effective assistance of counsel. Specifically, defendant contends that his trial counsel was ineffective for failing to (1) consult a firearms expert to establish that defendant's firearm was not used to shoot the victim, (2) object to the prosecution's closing statements about a purported path of footprints between the victim's body and the bag containing defendant's DNA, and (3) present evidence explaining why he appeared to know about the victim's murder before the general public. We disagree.

"Both the Michigan and the United States Constitutions require that a criminal defendant enjoy the assistance of counsel for his or her defense." *Trakhtenberg*, 493 Mich at 51. To succeed on a claim of ineffective assistance of counsel, "a 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." *Id.* A reasonable probability is one that undermines confidence in the result of the trial. *Strickland v Washington*, 466 US 668, 694; 104 S Ct 2052; 80 L Ed 2d 674 (1984). "Effective assistance of counsel is presumed, and the defendant bears a heavy burden of proving otherwise." *People v Head*, 323 Mich App 526, 539; 917 NW2d 752 (2018) (quotation marks, brackets, and citation omitted). In this respect, although "a defendant must overcome the strong presumption that counsel's performance was born from a sound trial strategy[.]" strategic decisions must still be objectively reasonable. *Trakhtenberg*, 493 Mich at 52.

Even assuming that defendant could establish that his trial attorneys' performance was deficient, we conclude that his ineffective-assistance arguments fail because he cannot show prejudice. *Id.* at 51. The prosecution presented substantial circumstantial evidence connecting defendant to the murder. The evidence established that defendant was near the crime scene when the victim was killed and that defendant's DNA was found on a plastic bag found near the victim's body. The prosecution also introduced text messages in which defendant referenced and joked about the murder and used slurs implicating the victim's race and ethnicity. The jury could have reasonably interpreted these messages as evidence of defendant's involvement in the murder.

Defendant's Internet search history provided additional evidence about his knowledge. Before the general public knew about the victim's death, defendant searched for information concerning a "missing hunter" and local law enforcement agencies. His subsequent searches also provided evidence from which the jury could infer consciousness of guilt. In 2019, defendant searched for information about Costa Rica, including extradition treaties, jobs for felons, and how a United States lawsuit works when a party lives in Costa Rica. Defendant also continued to search for information concerning the victim's death between 2018 and 2021.

Against this evidentiary backdrop, defendant has not established a reasonable probability that the result of the trial would have been different had counsel consulted a firearms expert, objected to the prosecutor's footprint argument, or presented additional evidence concerning defendant's presence in the area after the murder. The proposed firearms testimony, at most, would have only confirmed Detective Miller's testimony that there was no evidence connecting defendant's firearm to the shooting. Thus, additional expert testimony would not have materially undermined the prosecution's other evidence. Likewise, even assuming an objection to the

prosecutor's characterization of the footprint evidence would have been sustained, this argument was only one component of the prosecution's case. More importantly, the record contained substantial independent evidence linking defendant to the crime, including his presence near the scene, the discovery of his DNA on the plastic bag, his incriminating text messages, and his Internet searches.

Finally, trial counsel's decision not to present evidence explaining defendant's apparent knowledge of the murder does not establish prejudice. Counsel testified that introducing such evidence could have opened the door to GPS evidence placing defendant near the victim's body and to potentially damaging rebuttal testimony. Even assuming that counsel could have presented an alternative explanation for defendant searches, defendant has not shown a reasonable probability that the jury would have rejected the other evidence of guilt.

Considering the totality of the circumstances presented at trial, defendant has not demonstrated that any of counsel's alleged errors undermine confidence in the verdict. *Strickland*, 466 US at 694. Accordingly, the trial court did not abuse its discretion by denying defendant's motion for a new trial.

Affirmed.

/s/ Randy J. Wallace
/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin