

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

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PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 182605

Recorder's Court

LAWRENCE WHITE,

LC No. 94-003885

Defendant-Appellant.

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Before: Sawyer, P.J., and Marilyn Kelly and D. A. Burrell\*, JJ.

SAWYER, P.J. (concurring in part and dissenting in part).

I concur with the majority opinion except in its analysis that defendant was denied a fair trial as a result of judicial misconduct.

The majority in its opinion indicates that the trial judge prejudiced defendant's presumption of innocence during the voir dire when he posed hypothetical questions. The majority fails to indicate, however, that after the trial judge gave the first hypothetical, he then reversed the hypothetical to show the jurors that the testimony of multiple, non-credible witnesses was insufficient to convict defendant. Neither of these hypotheticals were objected to by either the prosecutor or the defense attorney. It should further be noted that at the end of the voir dire both the prosecution and defendant indicated that they were satisfied with the jury as impaneled. The majority further states in its opinion that the cumulative effects of conduct by the trial judge created the impression that the judge was biased in favor of the prosecution and this suggestion of partiality denied defendant a fair trial. I disagree.

After thoroughly reviewing the instances cited as error during the trial process, I can find no error which rises to the level of manifest injustice therefore requiring this panel to reverse this case. It should be remembered that defendant is entitled to a fair trial, not a perfect trial. And in this case, when reviewing the case as a whole, he did receive a fair trial. I therefore would affirm.

/s/ David H. Sawyer

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\* Circuit judge, sitting on the Court of Appeals by assignment.

