

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 182605

Recorder's Court

LAWRENCE WHITE,

LC No. 94-003885

Defendant-Appellant.

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

BURRESS, J. (concurring).

I concur with Judge Kelly's opinion that defendant was denied a fair trial.

The prosecution argues that defendant's complaints are based more on the trial court's reputation than on what actually occurred during the trial. I disagree.

The record here amply demonstrates that the veil of judicial impartiality was not so much pierced by any one act, but was clipped away one thread at a time until the veil was left with a gaping hole.

Probably the stripping of any one of these individual threads would not itself have been sufficient to warrant the grant of a new trial. However, I agree that the cumulative effect of the trial judge's conduct in this case was the denial of a fair trial to the defendant.

I would reverse and remand for a new trial before a different judge.

/s/ Daniel A. Burress

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