

STATE OF MICHIGAN
COURT OF APPEALS

TEDDY RAY ROBINSON

UNPUBLISHED

Plaintiff-Appellant,

v

No. 173002C

LC No. 91 115127 NZ

CITY OF DETROIT, DETROIT POLICE
DEPARTMENT, WILLIAM L. HART,
FANCIS FITZPATRICK, TIMOTHY
BROUGHTON, RONALD WILLSEY, DENNIS
MOORE, MICHAEL FOLEY, NICK KYRIACOU,

Defendant-Appellees.

Before: O’Connell, P.J., and Reilly and D.E. Shelton,* JJ.

REILLY, J. (concurring).

I concur that the jury verdict should be affirmed because I agree that defense counsel’s conduct, while at times was reprehensible, did not divert the jury’s attention from the issues of the case or otherwise control the verdict. Plaintiff’s counsel’s objections to the misconduct were repeatedly sustained and the jury was regularly instructed to disregard the improper comments.

Defense counsel’s behavior in the courtroom, particularly while cross-examining plaintiff and plaintiff’s expert witness, was insulting and demeaning. However, the trial judge patiently ruled on every objection, sustained most, and instructed the jury when she believed it was necessary.

Although the jury returned a verdict in favor of defendants, I do not believe that defense counsel’s disruptive comments and objections, even when sustained, endeared him to the jury, or caused the jury to align themselves with his clients. Such tactics generally arouse the ire of the jurors, try their patience, and set them against the offending attorney, if not the attorney’s client.

Defense counsel’s conduct reminds me of a bit of old wisdom:

I often wonder whether I should remain silent, and let the world think of me as a fool, or whether I should speak, and erase all doubt.

Nevertheless, having reviewed the record, I am convinced that the jury verdict should be affirmed.

/s/ Maureen Pulte Reilly