

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

October 4, 1996

Plaintiff-Appellee,

v

No. 182228

LC No. 94-002660

ARTHUR REID, a/k/a TONY BROWN,

Defendant-Appellant.

Before: Gribbs, P.J., and Saad and J. P. Adair,* JJ.

PER CURIAM.

The jury convicted defendant of attempted breaking and entering into an occupied building, MCL 750.110a; MSA 28.305(a), MCL 750.92; MSA 28.287, malicious destruction of property over \$100, MCL 750.380; MSA 28.612, and entered a subsequent guilty plea to being a fourth felony habitual offender, MCL 769.12; MSA 28.1084. Detroit Recorder's Court Judge Warfield Moore presided over defendant's trial. Defendant appeals and we affirm despite the trial court's inappropriate conduct.

Defendant's sole issue on appeal is judicial misconduct. We have carefully reviewed the entire record, in addition to the specific instances of alleged misconduct noted by defense counsel, and are unable to conclude that the trial judge's conduct, though improper, constituted reversible error.

A defendant has a right to be represented by an attorney who is treated with the consideration due an officer of the court. *People v Ross*, 181 Mich App 89, 91; 499 NW2d 107 (1989). Here, the trial judge interrupted defense counsel's cross-examination at least nine times to raise his own objections; he interrupted defense counsel at least twenty times to obtain clarification of the witnesses testimony; and on at least three occasions, he interrupted defense counsel to question the relevancy of the examination itself. This conduct was improper and came dangerously close to "cross[ing] the line of impartiality" and "display[ing] an attitude of partisanship which [would] result[] in the denial of a fair trial." *People v Conyers*, 194 Mich App 395, 404-405; 487 NW2d 787 (1992).

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

We are aware that numerous appellate decisions have reversed convictions due to the conduct of this particular judge, but decline defendant's subtle invitation to reverse on the theory that "he's done it again." Even considered cumulatively, we find no reversible error on this record.

Affirmed.

/s/ Roman S. Gibbs
/s/ Henry William Saad
/s/ James P. Adair