

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD C. GREER,

Defendant-Appellant.

UNPUBLISHED

June 13, 1997

No. 148473

Oakland Circuit Court

LC No. 90-099981-FC

Before: Saad, P.J., and Griffin and M.H. Cherry,* JJ.

CHERRY, J. (Dissenting)

I respectfully dissent because I believe the defendant was denied a fair trial due to the prosecutor's deliberately injecting into the proceedings improper questioning of the defendant's expert, Dr. Tanay. I would be more disposed to find harmless error and to affirm the defendant's conviction if I did not believe that the prosecutor's actions were an intentional affront to this Court.

In the unpublished per curiam decision of *People v Zeilin*, issued November 13, 1992 (Docket No. 124532), the Court of Appeals addressed the same tactics employed by the same prosecutor's office regarding the same expert witness and was compelled to reverse that defendant's conviction. The prosecutor in the instant case, as though reading from the transcript of *Zeilin*, chose again to violate MRE 608 by questioning Dr. Tanay about facts that were not probative of the defendant's sanity and by impeaching the witness in a collateral matter with extrinsic evidence. I would reverse.

/s/ Michael H. Cherry

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