

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JERRY LEE COCHRANE,

Defendant-Appellant.

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UNPUBLISHED

November 13, 2008

No. 275321

Saginaw Circuit Court

LC No. 05-025714-FH

Before: Murphy, P.J., and Sawyer and Smolenski, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of assault of a prison employee by an inmate, MCL 750.197c(1), prison escape, MCL 750.193, and resisting or obstructing a police officer, MCL 750.81d(1). He was sentenced as an habitual offender, fourth offense, MCL 769.12, to concurrent prison terms of 58 months to 15 years for the assault conviction, 76 months to 20 years for the escape conviction, and 46 months to 15 years for the resisting or obstructing conviction. He appeals as of right. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that he was denied his constitutional right to represent himself when his repeated requests for self-representation were continuously denied. We disagree.

A criminal defendant's right to self-representation is guaranteed by the Sixth Amendment of the United States Constitution, art 1, § 13 of the Michigan Constitution, and MCL 763.1. *People v Williams*, 470 Mich 634, 641-642; 683 NW2d 597 (2004). Our Supreme Court in *People v Russell*, 471 Mich 182, 190; 684 NW2d 745 (2004), explained:

Upon a defendant's initial request to proceed pro se, a court must determine that (1) the defendant's request is unequivocal, (2) the defendant is asserting his right knowingly, intelligently, and voluntarily through a colloquy advising the defendant of the dangers and disadvantages of self-representation, and (3) the defendant's self-representation will not disrupt, unduly inconvenience, and burden the court and the administration of the court's business.

A trial court must also satisfy the requirements of MCR 6.005(D), which requires the court to provide certain advice to the defendant and an opportunity to consult with an attorney. *Id.* at 190-191. Substantial compliance with these requirements is adequate. *Id.* at 191.

The record shows several requests by defendant to represent himself, beginning approximately 11 months before trial. He made his requests orally and in writing. One of his appointed attorneys also filed a motion for self-representation on defendant's behalf. Despite these requests, the court repeatedly denied defendant's requests.<sup>1</sup> It is evident from the record that self-representation was denied on the basis that it would disrupt, unduly inconvenience, and burden the court and the administration of the court's business. We hold that there is ample evidence in the record to support this conclusion.

Defendant complained that his first court-appointed attorney was not doing his job, and defendant requested appointment of a new attorney, which request was honored by the trial court. His second court-appointed attorney presented numerous motions to the court as demanded by defendant; however, the attorney later moved to withdraw as counsel on defendant's request. Defendant complained to the trial court that it kept appointing attorneys who refused to raise motions as demanded by defendant. The trial court permitted withdrawal and, with defendant's approval, indicated that it would appoint a third attorney for defendant. At a subsequent hearing, defendant informed the trial court that he filed a grievance against the third court-appointed attorney and that said attorney "is not representing me" because defendant "asked him to get off the case." When the court responded that it was up to the court to determine whether counsel would continue representing defendant, defendant replied, "I was just letting you know." Later, the third court-appointed attorney moved to withdraw as counsel because defendant grieved him and because there was a breakdown of the attorney-client relationship.<sup>2</sup> Defendant agreed to the withdrawal, and the court ordered withdrawal. A fourth attorney, who eventually handled the trial, was then appointed as counsel for defendant.

The record also indicates that defendant filed a grievance against the trial judge, who first presided, with the Judicial Tenure Commission, claiming that the judge was allowing the prosecutor to engage in malicious prosecution and that the judge would not allow defendant to present any evidence in his defense. The record is replete with letters and motions from defendant directed to the trial court, many of which are simply ridiculous.

On the first day of trial, prior to jury selection, defendant behaved in a disruptive manner, continually interrupting the court and rambling on about anything and everything. The exasperated trial judge finally asked defendant if he intended "to disrupt the courtroom" during trial. After a short recess, and still prior to jury selection, the court, for purposes of making the record, discussed defendant's demeanor and temperament. The court indicated that defendant stated that he would not assist his attorney, and the court noted that defendant spit at his attorney. The trial court further noted that defendant had remained standing throughout the morning session, cutting off speakers at various times. Additionally, the court stated that court officers agreed that defendant needed to be shackled because of his behavior. The trial court was of the opinion that defendant was going to "cause problems." The court stated that it had some safety concerns that defendant, because of his temperament, might take a "swing" at his attorney or the

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<sup>1</sup> Over the course of the proceedings, four different judges took part in the case.

<sup>2</sup> The record also indicates that defendant filed a grievance against the second court-appointed attorney.

court's law clerk, who sat close to the defense table. Defense counsel conceded that defendant had been hostile. Moreover, there was an outburst by defendant during trial in which defendant demanded that his attorney ask certain questions and yelled that counsel was "fired." The trial court noted that, in 30 years of practice and 10 years on the bench, it had never dealt with a person "quite like Mr. Cochrane." Defendant's behavior at trial cannot be deemed justifiable on the basis of the denials of his requests for self-representation. Rather, his behavior was reflective of his general demeanor and attitude toward the court and the legal process and revealed a manipulative and hostile personality.

On this record, we hold that there was no error in rejecting defendant's requests for self-representation.

Finally, defendant presents multiple issues in a pro per, supplemental Standard 4 brief. We have carefully reviewed the arguments presented and find them wholly lacking in merit. Reversal is unwarranted.

Affirmed.

/s/ William B. Murphy  
/s/ David H. Sawyer  
/s/ Michael R. Smolenski