



STATE OF MICHIGAN
SUPREME COURT

September 30, 2016

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

ROBERT CHARLES COOK,
Defendant-Appellant.

SC: 154394
COA: 317010
Oakland CC: 1970-006123-FX

Statement of Justice Viviano Denying Defendant-Appellant's Motion to Disqualify

VIVIANO, J. To establish a basis for disqualifying a judge, a party must show that the judge has an actual bias, which is both personal and extrajudicial, against the party or that the probability of actual bias is too high to be constitutionally tolerable. *Cain v Dep't of Corrections*, 451 Mich 470, 497-498 (1996); *Crampton v Dep't of State*, 395 Mich 347, 351 (1975). Adverse rulings do not establish actual bias unless they “display a deep-seated antagonism [by the judge] that would make fair judgment impossible.” *Cain* at 496, quoting *Liteky v United States*, 510 US 540, 555 (1994).

Here, the defendant-appellant seeks to disqualify me and other members of the Court based on (1) our denial of his earlier application for leave to appeal and various motions by an order dated September 5, 2014, and (2) a vague and unsupported allegation of an insurance fraud cover-up. I am unaware of the alleged insurance fraud and do not harbor any personal bias against the defendant-appellant. I therefore decline to recuse myself from participating in the decision of this case.