

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 186131

RAYMOND EUGENE LLOYD, JR., also known as
RUFUS BROWN,

St. Clair Circuit Court
LC No. 94-002308-FC

Defendant-Appellant.

Before: Saad, P.J. and Holbrook, Jr., and Doctoroff, JJ.

SAAD, P.J. (dissenting).

Here, on the day before trial was scheduled, defendant himself chose to abandon the defense strategy of forcing the prosecution to prove that he had premeditated intent to kill, and to pursue a diminished capacity defense. His trial counsel obtained an adjournment and sought a competent, independent clinician to evaluate defendant's mental status. I fail to see any prejudice to defendant in his counsel's failure to pursue an insanity defense where the expert was unable to testify that defendant was legally insane. On the record presented, I would conclude that defense counsel's conduct was objectively reasonable.

I respectfully dissent and would affirm on all issues.

/s/ Henry William Saad