

Order

**Michigan Supreme Court
Lansing, Michigan**

Entered: December 5, 2001

Maura D. Corrigan,
Chief Justice

3/December 2001

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

115615

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SC: 115615
COA: 185242
Wayne CC: 94-009772

TERRY RAY SHEPARD,
a/k/a TERRY RAY WILLIAMS,

Defendant-Appellant.

On order of the Court, this case having been briefed and orally argued, the judgments of the Court of Appeals and Wayne Circuit Court are reversed, and the case is remanded to the Wayne Circuit Court for a new trial before a different judge. On the facts of this case, we find the defendant was denied the effective assistance of counsel. *People v Beard*, 459 Mich 918-919 (1998); *People v Yats*, 455 Mich 861 (1997).

Young, Jr., J., states: I dissent because I do not believe the record establishes the prejudice required by *Strickland v Washington*, 466 US 668 (1984). See, also, *People v Carbin*, 463 Mich 590 (2001).

Corrigan, C.J., joins in the dissent of Young, Jr., J.