

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V BRYANT LAMONT ROYSTER

Docket No. 381385

LC No. 13-000935-02-FC

Philip P. Mariani
Presiding Judge

Christopher M. Murray

Brock A. Swartzle
Judges

The delayed application for leave to appeal is considered but remains pending. On the Court’s own motion pursuant to MCR 7.216(A)(9), defendant-appellant’s attorneys, Gabi D. Silver and Phillip Comorski, are DIRECTED to furnish this Court with the necessary record to review the issues raised here on the merits. See *People v Elston*, 462 Mich 751, 762; 614 NW2d 595 (2000) (noting that appellants bear the burden of furnishing the necessary record to substantiate their claims of error). See also MCR 7.205(E)(1) (“The application is decided on the documents filed”); IOP 7.205(B)(1) (“The Court strongly recommends that the appellant file copies of relevant transcripts and pleadings because the Court does not receive the lower court record when deciding applications for leave to appeal.”). Specifically, that record includes all evidentiary exhibits that were presented to the trial court in support of the disputed motion for relief from judgment—including the relevant affidavits—and the transcript of defendant’s preliminary examination. Without such materials, it is impossible for this Court to properly review the issues presented here. See MCR 6.508(D) (providing that defendant bears the burden of establishing his entitlement to the relief requested here); *People v Rao*, 491 Mich 271, 274; 815 NW2d 105 (2012) (holding that a party seeking a new trial on the basis of newly discovered evidence “carries the burden of making the requisite showing regarding each of the four parts of the *Cress*^[1] test”). Within 7 days of this order’s entry, attorneys Silver and Comorski shall file the necessary record in this Court. Failure to do so may result in the imposition of sanctions in addition to those imposed below.

We note that this is *far* from the first time that this Court has brought this same issue to Comorski’s attention in an appeal involving a ruling on a motion filed under MCR subchapter 6.500. Indeed, after having been admonished several times about the importance of furnishing this Court with the necessary record in such cases—and that his failure to do so poses a risk of significant prejudice to his clients in such matters, while also needlessly wasting limited judicial resources²—Comorski nevertheless persisted in the same course of conduct and was thus “assessed sanctions in the amount of \$250 for his continued failure to provide the necessary record, despite multiple warnings from this Court about the importance of doing so.” See *People v Jackson*, unpublished order of the Court of Appeals, entered April

¹ *People v Cress*, 468 Mich 678; 664 NW2d 174 (2003).

² See, e.g., *People v Childs*, unpublished order of the Court of Appeals, entered March 18, 2025 (Docket No. 373251); *People v Snyder*, unpublished order of the Court of Appeals, entered February 20, 2026 (Docket No. 377544).

3, 2026 (Docket No. 377786). Despite these sanctions, the same problem has once again recurred in this case.

For those reasons, on the Court's own motion pursuant to MCR 7.216(A)(7), attorney Phillip Comorski (P46413), is hereby ASSESSED SANCTIONS in the amount of \$750. Counsel shall pay those sanctions to the Clerk of this Court within 21 days of this order's entry. The sanctions are personal to the attorney and shall not be charged back to the client. On the other hand, while attorney Gabi D. Silver (P36382) is not assessed any sanctions here, we caution her that repetition of this conduct might well be viewed as sanctionable conduct in a future appeal.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

October 9, 2026

Date



Chief Clerk