Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DWAN CHATMAN

Docket No. 380458

LC No. 01-009554-01-FC

Michael F. Gadola
Presiding Judge

Stephen L. Borrello

Michael J. Riordan
Judges

The delayed application for leave to appeal is DENIED because defendant's appellate counsel, attorney Jeffrey D. Maynard, has failed to provide the necessary record to facilitate appellate review. See *People v Elston*, 462 Mich 751, 762; 614 NW2d 595 (2000) (noting that appellants bear "the burden of furnishing . . . a record to verify the factual basis of any argument upon which reversal [i]s predicated"). See also MCR 7.205(E)(1) ("The application is decided on the documents filed and, in an appeal from an administrative tribunal or agency, the certified record."); 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."). In this instance, counsel has failed to furnish copies of the trial transcripts. Without them, proper review of the issues raised here is not possible. See *People v Johnson*, 502 Mich 541, 571; 918 NW2d 676 (2018) (holding that "the evidence that *must* be taken into consideration when assessing a claim of newly discovered evidence" under *Cress*[1] includes both "the evidence presented at the original trial" and "the evidence that would be presented at a new trial") (emphasis added).

Presiding Judge

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

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

July 22, 2026
Date

Chief Clerk