Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V TERRELL MARK CAJAR

Docket No. 380975

LC No. 14-000303-02-FC

Christopher M. Murray
Presiding Judge

Mark T. Boonstra

Colleen A. O'Brien
Judges

The motion for reconsideration is DENIED because defense counsel has again failed to provide copies of all of the trial transcripts, instead providing only three of the seven volumes. Without the missing transcripts, we are unable to properly analyze defendant's argument that he is entitled to a new trial on the basis of "newly discovered" evidence. See *People v Johnson*, 502 Mich 541, 571; 918 NW2d 676 (2018) (holding that, in this context, the reviewing court "must" consider both "the evidence presented at the original trial" and "the evidence that would be presented at a new trial"). And contrary to defendant's argument on reconsideration, we cannot simply take "judicial notice" of the missing transcripts. Although this Court's records indicate that paper copies of those transcripts were filed in this Court on direct review in Docket No. 326890, those transcripts are no longer available to this Court, presumably having been returned to the trial court for storage with the rest of the trial record. See MCR 7.210(H); MCR 7.310(B); *People v Washington*, 508 Mich 107, 127; 972 NW2d 767 (2021) (recognizing that the trial court's record is returned to it after all first-tier appeals are exhausted).

Presiding Judge

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

November 17, 2026
Date

Chief Clerk