Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JAMES BROWN

Docket No. 381675

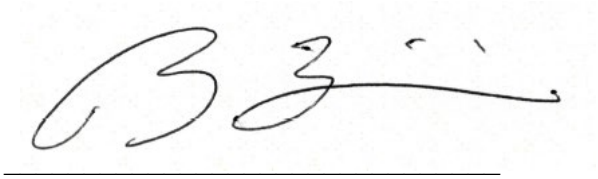
LC No. 92-004219-01-FC

Philip P. Mariani
Presiding Judge

Christopher M. Murray

Brock A. Swartzle
Judges

The delayed application for leave to appeal is DENIED because defendant's counsel 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 an appellant bears "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) (providing, as relevant here, that an "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."). Without copies of the disputed autopsy photographs and the trial transcripts, we are unable to properly review the issues raised here. See *People v Johnson*, 502 Mich 541, 571; 918 NW2d 676 (2018) (holding that, to properly analyze a request for relief under *Cress*,[1] the reviewing court "must" consider both "the evidence that was previously introduced at trial" and "the evidence that would be presented at a new trial"); *Wood v Bartholomew*, 516 US 1, 5; 116 S Ct 7; 133 L Ed 2d 1 (1995) ("evidence is 'material' under *Brady*,[2] and the failure to disclose it justifies setting aside a conviction, only where there exists a 'reasonable probability' that had the evidence been disclosed the result at trial would have been different").



Presiding Judge

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

[2] *Brady v Maryland*, 373 US 83; 83 S Ct 1194; 10 L Ed 2d 215 (1963).

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

October 27, 2026
Date



Chief Clerk