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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Debra Jean Milke,

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No. CV-98-00060-PHX-RCB

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Petitioner,

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DEATH PENALTY CASE

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vs.

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**ORDER**

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Charles L. Ryan, et al.,

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Respondents.

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On May 15, 2013, the Court of Appeals for the Ninth Circuit issued its mandate, reversing this Court's denial of habeas relief and remanding with instructions to grant a conditional writ of habeas corpus. (Doc. 199.) The court of appeals further directed this Court to order the State to provide Petitioner's counsel with police personnel records covering all years of service for Phoenix Police Detective Armando Saldate, Jr., including records pertaining to any disciplinary or Internal Affairs investigations and records pertaining to performance evaluations, prior to granting the conditional writ. Pursuant to the mandate of the court of appeals,

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**IT IS ORDERED** that within **twenty-one (21) days** of this Order, Respondents shall (1) provide to Petitioner's counsel all police personnel records covering all years of service for Phoenix Police Detective Armando Saldate, Jr., including but not limited to records pertaining to any disciplinary or Internal Affairs investigations and records pertaining to performance evaluations; (2) file under seal with a copy to Petitioner's counsel any police

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1 personnel records for Detective Saldate that Respondents believe are irrelevant under *Brady*  
2 or *Giglio*; and (3) file a statement under oath from a relevant police official certifying that  
3 all of Detective Saldate's police personnel records have been disclosed and none has been  
4 omitted, lost, or destroyed.

5 **IT IS FURTHER ORDERED** that any personnel records filed under seal and  
6 contested by Respondents as irrelevant under *Brady* or *Giglio* shall be maintained by both  
7 parties in a confidential manner. Such records may be used only by representatives for  
8 Petitioner and Respondents in litigating their relevancy and shall not be disclosed to any  
9 other persons, agencies, or entities without an order from this Court.

10 **IT IS FURTHER ORDERED** that if Respondents contest the relevancy of any of  
11 Detective Saldate's personnel records, Petitioner shall file a brief addressing the relevancy  
12 of such records within fourteen (14) days of receipt of the sealed records from Respondents.  
13 Respondents may file a reply within seven (7) days of the filing of Petitioner's brief.

14 DATED this 29th day of May, 2013.

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18 Robert C. Broomfield  
19 Senior United States District Judge  
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