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

Joe Clarence Smith,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

) No. CV-12-00318-PHX-PGR

) DEATH PENALTY CASE

) **ORDER**

To ensure efficient review and adjudication of Petitioner’s federal habeas claims, it is essential that the Court obtain a copy of the state court record. In the Order of Appointment and General Procedures entered on February 17, 2012, the Court stated that it would *sua sponte* request a copy of the superior court record from the Arizona Supreme Court and directed Respondents to file with their Answer the following parts of the appellate and post-conviction record:

- (1) The appellate and post-conviction briefs;
- (2) The opinions and dispositive orders of the post-conviction and appellate courts;
- (3) A complete copy of the post-conviction record on appeal; and
- (4) Any post-conviction hearing transcripts.

(Doc. 7 at 4.) Respondents filed their Answer on March 21, 2013. However, the accompanying exhibits did not include any of the responsive appellate and post-conviction briefs. Additionally, Respondents did not provide either a complete copy of the post-

1 conviction record on appeal or copies of post-conviction hearing transcripts (if any).

2 Accordingly,

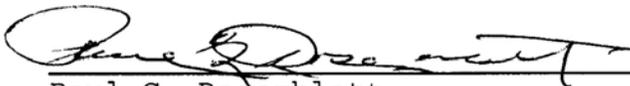
3 **IT IS ORDERED** that within thirty (30) days of the filing date of this order,
4 Respondents shall file copies of the following:

- 5 (1) The responsive appellate briefs in Arizona Supreme Court No. CR-04-0208-
6 AP, including the State's answering brief and Petitioner's reply;
- 7 (2) The responsive post-conviction briefs in Maricopa County Superior Court No.
8 0000-095116 and Arizona Supreme Court No. CR 11-0336-PC, including the
9 State's response to Petitioner's June 2011 petition for post-conviction relief,
10 Petitioner's reply thereto, the State's opposition to Petitioner's October 2011
11 petition for review, and Petitioner's reply thereto; and
- 12 (3) In addition to the post-conviction briefs set forth in item (2), a complete copy
13 of the post-conviction record on appeal, including all instruments, minute
14 entries, and hearing transcripts (if any).

15 **IT IS FURTHER ORDERED** that the Clerk of the Arizona Supreme Court transmit
16 to Brian Karth, Clerk, United States District Court, 401 West Washington Street, Suite 130,
17 SPC 1, Phoenix, Arizona 85003-2118, the Record on Appeal in Maricopa County Superior
18 Court No. 0000-095116, including all transcripts but excluding exhibits, filed as part of Joe
19 Clarence Smith's appeal in Arizona Supreme Court No. CR-04-0208-AP.

20 **IT IS FURTHER ORDERED** that the Clerk of Court send a copy of this Order to:
21 Janet Johnson, Clerk of the Arizona Supreme Court, 1501 W. Washington, Suite 402,
22 Phoenix, Arizona 85007-3329.

23 DATED this 30th day of April, 2013.

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Paul G. Rosenblatt
United States District Judge