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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Derek Don Chappell,
10 Petitioner,

11 v.

12 David Shinn, *et al.*,
13 Respondents.
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No. CV-15-00478-PHX-SPL
DEATH PENALTY CASE
ORDER

15 On August 1, 2022, the Court ordered that the Clerk of the Maricopa County
16 Superior Court release certain trial exhibits from the 2007 jury trial in *State v. Chappell*,
17 No CR2004-037319, to the Clerk of the United States District Court, District of Arizona,
18 Sandra Day O’Connor U.S. Courthouse. (Doc. 116.) To date, the Superior Court Clerk has
19 not done so. The Court notes that the parties have cited the listed Trial Exhibits in their
20 briefs.

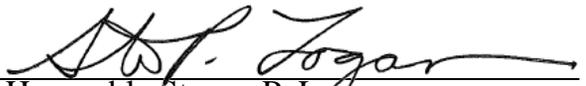
21 To ensure a complete review and adjudication of Claims 2, 3, and 5 through 7 of
22 Petitioner Derek Chappell’s Petition for a Writ of Habeas Corpus, the Court will order
23 Respondents to file a notice stating where complete copies of the identified Trial Exhibits
24 have been docketed in this case, file copies of those Trial Exhibits not already docketed in
25 this case as part of the state court record, or explain why complete copies of the identified
26 Trial Exhibits have not been docketed in this case and cannot be provided as part of the
27 state court record in this case. *Cf. Storm v. Reinke*, No. 1:12-cv-00001-BLW, 2014 WL
28 4925884, *6-7 (D. Idaho Sept. 2014) (“order[ing r]espondents to provide portions of the

1 state court record to [p]etitioner,” where petitioner stated he needed them “to contest denial
2 or dismissal” of his petition).

3 **IT IS ORDERED** that, within **21 days** of the filing date of this Order, Respondents
4 must:

- 5 1. file a Notice stating where a complete copy of Trial Exhibits 102, 103,
6 105, 106, 107, 108, 115, 135, 142, 150, 153, 258, 259, 262, 269, 298,
7 314, 321, 322, 323, 324, 325, 326, 327, 329, 345, and 346, in *State v.*
8 *Chappell*, No. CR2004-037319, have been docketed in this case; or
- 9 2. file a Notice with complete copies of any of the above Trial Exhibits
10 that has not already been docketed in this case as part of the state court
11 record; or
- 12 3. file a Notice explaining why a complete copy of any of the above Trial
13 Exhibits, which has not already been docketed in this case, cannot be
14 filed as part of the state court record filed in this case.

15 Dated this 19th day of September, 2022.

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17 Honorable Steven P. Logan
18 United States District Judge
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