

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00114-LTB-MEH

MACK W. THOMAS,

Applicant,

v.

JOE ORTIZ, Executive Director of D.O.C., and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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**ORDER**

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This matter is before the Court *sua sponte*. On March 24, 2009, this Court ordered production of the written record of Boulder County District Court case No. 85 CR 736 - 6/3, *People v. Mack Willie Thomas*, including all documents filed from July 1997 through April 2003 or, if it could not do so, provide this Court with reasons for its inability to produce the documents. On April 16, 2009, Boulder County District Court informed this Court that it had conducted an extensive search and had provided all documents responsive to the order. Then, on April 22, 2009, Boulder County provided this Court with copies of hearing transcripts from November 2001 and December 2001. Upon review of these documents and the record provided, the Court finds that, for full review of this matter, it requires the February-March 1997 trial transcript, the April 1997 sentencing hearing transcript and the June 1997 hearing transcript regarding the motion for new trial.

THEREFORE, it is hereby ORDERED that on or before October 2, 2009, the Clerk of the 20th Judicial District Court in Boulder County, Colorado, shall provide to this Court the original written record of Boulder County case No. 85 CR 736 - 6/3, *People v. Mack Willie Thomas*,

including the February 19 - March 5, 1997 trial transcript, April 23, 1997 sentencing hearing transcript and June 9, 1997 hearing transcript regarding the motion for new trial.

It is further requested that, if the Boulder County District Court does not have possession of the requested documents and/or transcripts, the Clerk of such court provide to this Court an affidavit reflecting such information.

It is further ORDERED that the Clerk of the Court shall serve a copy of this Order on the Clerk of the 20th Judicial District Court by facsimile to (303) 441-4750 and by regular mail to Clerk of the 20th Judicial District Court, Boulder Justice Center, P.O. Box 4249, Boulder, CO 80306.

Dated this 18th day of September, 2009, in Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty  
United States Magistrate Judge