

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02119-BNB

CHARLES WILLIAM FLETCHER,

Applicant,

v.

STEVEN HARTLEY, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAR 10 2010

GREGORY C. LANGHAM  
CLERK

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ORDER

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In response to the Court's directive, Respondents filed a Response to Applicant's Reply on February 8, 2010, claiming that Mr. Fletcher failed to file a timely appeal of the trial court's denial of his Colo. R. Crim. P. 35(c) postconviction motion, and therefore defaulted the claims he raised in the motion. Mr. Fletcher replied to the Response, arguing that he diligently pursued his Colo. R. Crim. P. 35(c) postconviction motion and that his failure to file a timely appeal of the motion was because the trial court neglected to inform him that it had denied the motion and not just the Rule 35(c) supplemental addendum that he had filed.

Without knowing what claims Mr. Fletcher raised in the Rule 35(c) postconviction motion that he filed with the trial court on February 19, 2008, and if the Rule 35(c) supplemental addendum he filed on May 20, 2008, is related to the February 19 motion, the Court is not able to determine whether Mr. Fletcher has diligently attempted to exhaust all of the claims he raises in this action or whether the February 19 motion

remains pending in the trial court.

Therefore, Respondent is directed to provide copies of the Rule 35(c) postconviction motion that Mr. Fletcher filed with the trial court on February 19, 2008, and the Rule 35(c) supplemental addendum that Mr. Fletcher filed with the trial court on May 20, 2008. Accordingly, it is

**ORDERED that within twenty-one days from the date of this Order**  
Respondents shall provide to the Court copies of the documents identified above.

DATED March 10, 2010, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02119-BNB

Charles William Fletcher III  
Prisoner No. 65848  
Arkansas Valley Corr. Facility  
PO Box 1000  
Crowley, CO 81034

Christopher Y. Bosch  
Assistant Attorney General  
**DELIVERED ELECTRONICALLY**

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/10/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk