

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00547-PAB

NICHOLAS CUTSHALL,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

SUPPLEMENTAL ORDER FOR STATE COURT RECORD

On August 3, 2011, this Court issued an Order for State Court Record, directing the Respondents to file with the Clerk of the Court, in electronic format if available, a copy of the complete record of Applicant's state court proceedings in *People v. Cutshall*, Denver District Court Case No. 06CR3968, including all documents in the state court file and transcripts of all proceedings conducted in the state court, but excluding any physical evidence (as opposed to documentary evidence) not relevant to the asserted claims.

On August 31, 2011, the Denver District Court filed the state court record in this Court, consisting of four CD ROMs containing the pleadings file, some hearing transcripts, questions from the jury following Applicant's trial, and confidential documents relating to Applicant's sentencing proceeding. However, missing from the state court record are the **trial transcripts and the transcripts of the hearing on Mr. Cutshall's motion to suppress his statement to the police (which were recorded**

on DVD). The state record filed with this Court indicates that Mr. Cutshall's trial commenced on approximately July 30, 2007 and that the hearing on his motion to suppress occurred on multiple dates beginning on approximately June 12, 2007.

Accordingly, it is

ORDERED that **within thirty days from the date of this order** the Respondents shall file with the Clerk of the Court, in electronic format if available, copies of the trial transcripts and the transcripts of the hearing on the motion to suppress Mr. Cutshall's statements to the police. It is further

ORDERED that the Clerk of the Court is directed to send copies of this order to the following:

- (1) Clerk of the Court
Denver County District Court
1437 Bannock Street
Denver, Colorado 80202;
- (2) Assistant Solicitor General
Appellate Division
Office of the Attorney General
1525 Sherman Street
Denver, Colorado 80203; and
- (3) Court Services Manager
State Court Administrator's Office
101 W. Colfax, Ste. 500
Denver, Colorado 80202.

DATED September 20, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge