

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

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.

**ORDER FOR STATE COURT RECORD
DIRECTED TO ATTORNEY GENERAL OF THE STATE OF COLORADO**

The Court has issued three Orders for State Court Record in this case and has yet to receive a complete copy of the record from the District Court for the City and County of Denver, Colorado. On August 3, 2011, this Court issued an Order for State Court Record [Docket No. 15], 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 state court filed part of the original state court record in this Court. On September 20, 2011, the Court issued a Supplemental Order for State Court Record [Docket No. 18] to the Denver District Court to obtain copies of the trial

and hearing transcripts that were missing from the state court record filed on August 31, 2011. On October 14, 2011, the state court filed the missing trial transcripts, along with the transcript of a June 12, 2011 motions hearing. However, the Court's review of the supplementary state court record filed on October 14, 2011 revealed that the June 12, 2011 motions hearing was continued to a later date. Therefore, on December 19, 2011, the Court issued a Second Supplemental Order [Docket No. 22] for State Court Record to the Denver District Court to obtain copies of the hearing transcripts that were missing from the state court record filed on August 31, 2011 and October 14, 2011. The deadline for filing the missing hearing transcripts was January 19, 2012.

The Attorney General of the State of Colorado is responsible to ensure that the complete state court record is filed in this action. See Rule 5(c) of the Rules Governing Section 2254 Cases. Accordingly, it is

ORDERED that on or before **February 24, 2012** the Attorney General for the State of Colorado shall file with the Clerk of the Court, in electronic format if available, copies of all hearing transcripts between the dates of June 13, 2011 and July 29, 2011, along with all trial exhibits that are in documentary form (if available). If such transcripts and exhibits are not filed by such deadline, counsel for defendants shall appear before the Court on **March 1, 2012 at 1:30 p.m.** to explain why they have not been filed. 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 February 10, 2012.

BY THE COURT:

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