

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01965-RM

JERRY G. CIARCIA,

Applicant,

v.

TRAVIS TRANNI, Warden, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

SECOND ORDER TO SUPPLEMENT STATE COURT RECORD

On February 11, 2013, this Court ordered Respondents to file within thirty days with the Clerk of the Court, in electronic format if available, a copy of the complete record of in *People v. Ciarcia*, El Paso County District Court Case No. 04CR5098, 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. See ECF No. 14. On February 20, 2013, Respondents submitted what turned out to be a partial record of No. 04CR5098. See ECF No. 18.

Therefore, on September 3, 2013, the Court ordered Respondents to supplement the state court record with all transcripts of the trial in El Paso County District Court Case No. 04CR5098, which were missing from the record submitted on February 20. See ECF No. 21. On September 4, 2013, Respondents submitted the supplemental record. See ECF No. 23.

On September 13, 2013, Sundae A. Stoa, an official court reporter with the El Paso County Combined Courts, sent directly to chambers as attachments to an email titled "Jerry Ciarcia Transcripts Per Court Order" what appear to be duplicates of the supplemental record submitted on September 4, plus what appears to be an additional transcript of sentencing labeled "4-23-07 CIARCIA 04CR 5098.pdf." The Court will not consider these documents emailed to chambers on September 4. Documents to be submitted as part of the official Court record must be filed with the clerk of the Court, and not emailed directly to chambers.

Therefore, Respondents will be directed to supplement the state court record either with an amended CD replacing the CD submitted on September 4 (ECF No. 23), or by filing electronically on CM/ECF the documents emailed to chambers on September 4. The amended CD or electronic filing must contain all transcripts of the trial and sentencing in El Paso County District Court Case No. 04CR5098 that Respondents have been ordered to submit as part of the official record for this Court.

Accordingly, it is

ORDERED that within **fifteen (15) days from the date of this order** Respondents shall supplement the state court record with an amended CD replacing the CD submitted on September 4, or by filing electronically on CM/ECF the documents emailed to chambers on September 4. The amended CD or electronic filing must contain all transcripts of the trial and sentencing in *People v. Ciarcia*, El Paso County District Court Case No. 04CR5098 that Respondents have been ordered to submit as part of the official record for this Court. It is

FURTHER ORDERED that the amended CD or electronic filing shall display

transcripts of the days of trial and sentencing by separate dates and not as one continuous document. It is

FURTHER ORDERED that **within fifteen (15) days from the date of this order** Respondents shall include, as part of the amended CD or electronic filing, any other documents that may be missing from the current record. It is

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

- (1) El Paso County Combined Court
P.O. Box 2980
Colorado Springs, CO 80901
- (2) Court Services Manager
State Court Administrator's Office
101 W. Colfax, Ste. 500
Denver, Colorado 80202.

DATED September 17, 2013, at Denver, Colorado.

BY THE COURT:



RAYMOND J. MOORE
United States District Judge