

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Marcia S. Krieger

Civil Action No. 13-cv-01379-MSK

MICHAEL GARRETT,

Applicant,

v.

ROGER WERHOLTZ, Exec Director Colorado Dept of Corrections,  
FRANCES FALK, Warden, Limon Correctional Facility, and  
JOHN SUTHERS, Attorney General, State of Colorado,

Respondents.

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**ORDER**

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This matter is before the Court sua sponte based on a preliminary review of the state court records provided by Respondents on October 10, 2013, and the Answer to § 2254 Application (ECF No. 21) filed on November 15, 2013. In the Answer, Respondents cite to the electronic transcript of the trial court proceedings, which Respondents describe as “one large .pdf document with bookmarks for each day’s proceedings (including pretrial hearings).” (ECF No. 21 at 4 n.1.) However, the transcripts of the state court proceedings provided to the Court are contained on a CD labeled “People v. Garrett, 02CR2638, Transcripts” that includes thirteen separate .pdf documents, each of which includes transcripts of different trial court proceedings. It is not clear whether Respondents’ citations to the electronic transcript of the trial court proceedings will correspond with the transcripts provided to the Court. In addition, it appears that the record before the Court is incomplete because the CD labeled “People v. Garrett, 02CR2638, Transcripts” does not include a transcript of the trial proceedings on February 19,

2004. Because it is not clear whether any other transcripts may be missing, Respondents will be directed to file a replacement CD that contains transcripts of all state court proceedings in Denver District Court case number 02CR2638. The transcripts on the replacement CD to be provided by Respondents should be consistent with Respondents' citations to those transcripts in their Answer. Accordingly, it is

**ORDERED** that, **within fourteen (14) days from the date of this order**, the Respondents shall file with the Clerk of the Court a replacement CD that contains transcripts of all state court proceedings in Denver District Court case number 02CR2638.

DATED this 19<sup>th</sup> day of November, 2013.

**BY THE COURT:**



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Marcia S. Krieger  
Chief United States District Judge