

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
District Judge R. Brooke Jackson

Civil Action No. 14-cv-03205-RBJ

ANDREW PLANCARTE,

Applicant,

v.

JAMES FALK, Warden,
JOHN W. SUTHERS, the Attorney General of the State of Colorado, and
RICK RAEMISCH, the Executive Director of the C.D.O.C.,

Respondents.

ORDER TO SUPPLEMENT STATE COURT RECORD

On March 9, 2015, Magistrate Judge Gordon P. Gallagher directed Respondents to file, within thirty (30) days, a copy of the complete record of Applicant's state court proceedings in ***People v. Andrew Plancarte, Denver District Court Case No. 04CR2929***, 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. (ECF No. 21). The state court record was filed on April 3, 2015. (ECF No. 27).

On April 9, 2015, Respondents filed a Motion for Order Directing Respondents to Provide Photographic Lineup Exhibits (ECF No. 28). Respondents state in the motion that the Denver District Court provided them with three CDs containing electronic documents related to Applicant's state criminal case, but the discs do not contain the

photographic lineup challenged in the § 2254 Application. (*Id.*). Respondents further state that they were informed by the Denver District Court clerk that a separate order was necessary to release the exhibits relating to the photographic lineup. Accordingly, it is

ORDERED that Respondents' Motion for Order Directing Respondents to Provide Photographic Lineup Exhibits (ECF No. 28) is GRANTED. It is

FURTHER ORDERED that the Respondents and the Denver District Court clerk shall file with the Court, **within fourteen (14) days**, the photographic lineup and any related documentary or photographic exhibits in **Denver District Court Case No. 04CR2929**. 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; and

(2) Court Services Manager
State Court Administrator's Office
1300 Broadway
Denver, Colorado 80203.

DATED April 10, 2015, at Denver, Colorado.

BY THE COURT:



R. BROOKE JACKSON
District Judge