

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BARRY WILLIAMS,

Petitioner,

v.

CHARLES WARREN, et al.,

Respondents.

Civil Action No. 13-5845 (MAS)

MEMORANDUM AND ORDER

This matter having come before the Court on a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (“Petition”) by Petitioner Barry Williams (“Petitioner”). Presently before the Court is Petitioner’s Motion for Consideration to include a certain sentencing transcript as part of the relevant state court record. (ECF No. 22.) It appearing that:

1. On September 30, 2013, Petitioner filed the Petition with this Court. (ECF No. 1.)
2. On July 9, 2014, the Court ordered Respondents to file a full and complete answer to all claims asserted in the Petition. (ECF No. 2.)
3. On September 2, 2014, Respondents filed an Answer with 103 attachments, which presumably includes all records of the state court proceedings relevant to the Petition. (ECF No. 8.)
4. On October 8, 2014, Petitioner filed a motion to expand the record, (ECF No. 13), arguing that the Answer failed to include a certain transcript from the state court record that Petitioner asserts is essential to the Court’s review of the Petition. Respondents responded in opposition, claiming that said transcript is merely superfluous, and is not required for the Court to adequately review the state court decisions. (ECF No. 14.)

5. The Court denied Petitioner's motion to expand the record, finding that, although Respondents did not submit said transcript as part of their Answer, the record need not be expanded since the transcript in question had already been considered by the state court and therefore part of the state court record. The Court directed Petitioner to submit said transcript if he wishes the Court to consider the transcript in its review of the Petition. (ECF No. 18.)

6. In response, Petitioner filed the instant motion, attaching as an exhibit the aforementioned transcript.

IT IS therefore on this 5th day of August, 2015,

ORDERED that Petitioner's Motion for Consideration to Include Sentencing Transcripts, (ECF No. 22), is hereby **GRANTED**; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.



Michael A. Shipp, U.S.D.J.