

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-09-0214-PC
 Plaintiff,)
) Pinal County Superior Court
 v.) No. CR-14946
)
 MICHAEL APELT,)
 Defendant.) **O R D E R**
) **FILED 10/27/2009**

Petitioner Apelt has filed a "Request to Modify Rule 32.9 Appendix Requirement." The Pinal County Superior Court Clerk's Office has advised this Court that the exhibits from the 2007 evidentiary hearings have been sent to the Court of Appeals, Division Two, for the appeal in Rudi Apelt's case. However, the Clerk's Office does have the transcripts. The Petition for Review cites to only a few other items in the record. Therefore,

IT IS ORDERED that the Request to Modify Rule 32.9 Appendix Requirement is granted in part and denied in part.

IT IS FURTHER ORDERED that the Clerk of the Pinal County Superior Court shall transmit to this Court all transcripts of the 2007 evidentiary hearings in the post-conviction relief proceeding. The Clerk may send the transcripts in paper or electronic form.

IT IS FURTHER ORDERED that no later than November 10, 2009, Petitioner Apelt shall file an appendix to the Petition for Review, excluding transcripts.

IT IS FURTHER ORDERED that no later than November 30, 2009, the State shall file a Response to the Petition for Review with any necessary appendix, excluding transcripts. Petitioner's Reply, if any, shall be filed no later than twenty days after service of the Response.

DATED this _____ day of October, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:

Jeffrey A Zick

Dana Carpenter

Michael Apelt, ADOC 80735, Arizona State Prison, Florence - Eyman
Complex-Browning Unit

Kristi Youtsey Ruiz, Clerk, Office of Clerk of Superior Court, Pinal
County

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