

DISTRICT COURT, LA PLATA COUNTY, COLORADO
Court Address: 1060 E. Second Ave., Durango, CO 81301
Phone Number: (970) 247-2304



Plaintiff: PEOPLE OF THE STATE OF COLORADO

v.

Defendant: MARK ALLEN REDWINE

▲ COURT USE ONLY ▲

Christian Champagne - District Attorney, #36833
Matthew Durkin, Special Deputy District Attorney, #28615
Fred Johnson, Special Deputy District Attorney, #42479
P.O. Drawer 3455, Durango, Colorado 81302
Phone Number: (970) 247-8850
Fax Number: (970) 259-0200

Case Number: **17 CR 343**

**PEOPLE'S MOTION TO ADMIT LABORATORY TEST RESULTS [P-24]
[PUBLIC ACCESS]**

NOW COME the People, by and through Christian Champagne, District Attorney, in the County of La Plata, and moves this Honorable Court to admit laboratory test results [P-24]. AS GROUNDS for this motion, the People state as follows:

1. On November 18 – 19, 2012, Dylan Redwine was murdered. On November 18, 2012, Dylan Redwine arrived in Durango, for a court ordered visit with the defendant. Video surveillance showed that the defendant and Dylan Redwine stopped at several locations in the Durango area before they drove to the defendant's home near Vallecito Reservoir. Phone records also show that path of travel and communication from Dylan to several others until later that evening. These are the last images and communication from Dylan Redwine.
2. On November 28, 2012, a search was conducted of the defendant's home. During that search, several items containing blood were recovered in the defendant's living room. An analysis by the Colorado Bureau of Investigation (CBI) of those items done on December 27, 2012, revealed that several of the items contained Dylan Redwine's DNA. Some of those items also contained mixtures of other individuals. This analysis included a chemical test and a subsequent statistical analysis of the mixtures using the FBI's PopStats computer program.
3. In 2018, CBI purchased, validated, trained, and implemented STRmix pursuant to national standards. STRmix is a software program used for the interpretation of DNA profiles. In

this case, the original chemical analysis remains undisturbed and STRmix is an enhanced computer program that interprets the original results for statistical analysis.

4. On October 3, 2018, Sarah Miller, CBI DNA Technical Leader/Program Manager, used STRmix to analyze the DNA mixture profiles. A mandatory review of the STRmix analysis was conducted by Teresa Cheromcha, Assistant DNA Technical Leader. This was done after a significant validation, training, and implementation process pursuant to national standards.
5. Ms. Cheromcha has been endorsed as an expert and her curriculum vitae has been discovered.
6. In the time since the STRmix analysis was completed on October 3, 2018, Sarah Miller is now pregnant, and is expecting on September 12, 2019. Therefore, Sarah Miller will be unavailable to testify at trial. Teresa Cheromcha is available for trial.
7. Section 16-3-309(5), C.R.S., provides that “any report or copy thereof or the findings of the criminalistics laboratory shall be received in evidence in any court, preliminary hearing, or grand jury proceeding in the same manner and with the same force and effect as if the employee or technician of the criminalistics laboratory who accomplished the requested analysis, comparison, or identification had testified in person. Any party may request that such employee or technician testify in person at a criminal trial on behalf of the state before a jury or to the court, by notifying the witness and other party at least fourteen days before the date of such criminal trial.”
8. The Colorado Court of Appeals has held that the final reviewer may testify at trial and satisfy the requirement and intent of section 16-3-309(5), C.R.S. *Marshall v. People*, 309 P.3d 943, 948 (Colo. App. 2013).
9. In *Marshall*, the trial court was upheld in allowing the testimony a reviewing agent who certified the results of the original laboratory technicians who performed the laboratory analysis. The Colorado Court of Appeals held that “although two other analysts performed the screening and confirmation tests”, the review and independent analysis was “the final and necessary step before the results could be certified as accurate”. Therefore, the reviewer “accomplished” the result for purposes of satisfying the requirements set forth in section 16-3-309(5), C.R.S. *Id.*
10. In the decision, they specifically distinguished the role of a reviewing agent from an agent who had no role in the process who is offered to provide “surrogate testimony”, which is discouraged around the country. *Marshall v. People*, 309 P.3d at 948; citing *Bullcoming v. New Mexico*, 564 U.S. 647, 131 S.Ct. 2705, 180 L.Ed.2d 610 (2011).

WHEREFORE, the People respectfully request that Teresa Cheromcha, Assistant DNA Technical Leader testify to the STRmix results.

Respectfully submitted this June 5, 2019.

CHRISTIAN CHAMPAGNE
DISTRICT ATTORNEY
6th JUDICIAL DISTRICT

/s/ Christian Champagne
Christian Champagne #36833
District Attorney

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2019, I delivered a true and correct copy of the foregoing to the parties of record via e-service.

/s/ Christian Champagne
Christian Champagne