

DISTRICT COURT LA PLATA COUNTY 1060 E. SECOND AVENUE DURANGO, COLORADO 81301 UNITED STATES OF AMERICA	DATE FILED: March 14, 2019 3:32 PM FILING ID: CE21CF9687E39 CASE NUMBER: 2017CR343
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  Mark Allen Redwine Defendant	
Megan Ring, Colorado State Public Defender Justin Bogan, #33827 Deputy Public Defender 175 Mercado Street Suite 250 Durango, Colorado 81301	<b>Case No. 17CR343</b>  <b>Division: Wilson</b>
<b>D-110</b> <b>FIRST RESPONSE TO THE PROSECUTION'S OBJECTION TO RECENT AND</b> <b>FUTURE CONTINUANCES PUBLIC ACCESS</b>	

Without dignifying the accusations, insults, hyperbole and other irrelevant speculative assertions by the Prosecution in their motion titled OBJECTION TO RECENT AND FUTURE CONTINUANCES AND REQUEST FOR STATUS CONFERENCE FORTHWITH TO RESET JURY TRIAL, Mr. Redwine's defense team submits the following:

1. Mr. Redwine, through counsel, has offered to waive his right to a speedy trial several times in previous proceedings, and is prepared to do so again to accommodate a September trial setting, as previously discussed.

2. Defense Counsel is unavailable for trial in August, 2019. As was discussed on the record on March 5, 2019, this case is best suited, at this time, to be scheduled for September, 2019, after the Judicial Conference, Colorado District Attorneys Conference, and the Public Defender's Conference.

3. The Prosecution offers no explanation for setting the trial in August instead of September but for claiming a September setting would be “unjustified from a VRA standpoint and would cause further scheduling issues for the People.”

4. The D.N.A./ Shreck hearing is set for May 20 and 21, 2019. The Prosecution claims that neither their witnesses nor the entirety of the Prosecution team are available on those dates. The latest STR MIX materials were not disclosed to Defense Counsel until after the first motions filing deadline. Defense counsel anticipates being ready to litigate the D.N.A. issues on the above dates, but does not object to resetting that hearing to another set of dates, provided we and our experts are available on those prospective dates, and provided the hearing is set enough in advance of the trial so counsel will have access to a transcript of the proceedings before trial.

5. Counsel is available to litigate motions the week of June 24, 2019 and will contact any witnesses we may want to call on these issues to determine their availability that week.

6. Counsel is available to litigate motions, as currently set, on May 2 and 3, 2019.

7. Counsel is available for status conferences in March 2019 on March 18, 19, and 20.

8. In setting the prospective June trial date and current motions hearing settings, this Court took into account the schedules of both the Prosecution and the Defense teams.

9. Mr. Redwine and his counsel reserve the right to respond to the Prosecution’s motion and accusations therein in future pleadings. This pleading is submitted to quickly address the calendaring issues in the Prosecution’s motion.

/s/ Justin Bogan  
Justin Bogan #33827  
Deputy State Public Defender  
Dated: March 14, 2019

**Certificate of Service**

I hereby certify that on March 14, 2019, I served the foregoing document by ICCES same to all opposing counsel of record.

/s/ Justin Bogan