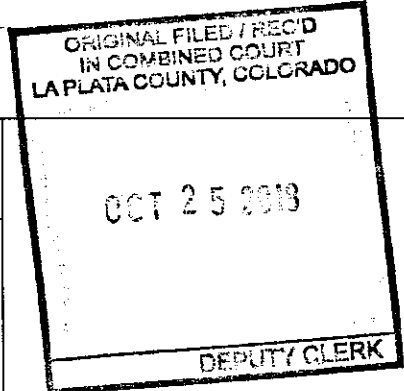


DISTRICT COURT, LA PLATA COUNTY, COLORADO 1060 East Second Avenue Durango, Colorado 81301	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,  v.  <b>MARK REDWINE,</b> Defendant	
Douglas K. Wilson, Colorado State Public Defender John Moran, Attorney No. 36019 Justin Bogan, Attorney No. 33827 Deputy Public Defender 175 Mercado Street, Suite 250, Durango, CO 81301 Phone: (970) 247-9284 Fax: (970) 259-6497 E-Mail: Justin.Bogan@coloradodefenders.us Email: John.Moran@coloradodefenders.us	Case Number: 17CR343  Division: 1
<b>[D101]</b>  <b>OBJECTION TO PUBLIC DISCLOSURE OF DOCUMENTS AND MOTION FOR HEARING ON SAME</b>	

Undersigned counsel, after a phone call from the clerk's office became aware of failure to respond to "Order Regarding the Filing of Documents, the Redaction and/or Suppression of Filed Documents, and Pretrial Hearings." Failure to respond is a function of inadvertence. Counsel appeals to this Honorable Court not to interpret counsel's inadvertence as an effort at disrespect.

1. Mr. Redwine is currently charged with Second Degree Murder F2, and Child Abuse Knowingly/Recklessly Causing Death F2.

2. Mr. Redwine asks this court to incorporate the Motion for Change of Venue into this objection. Mr. Redwine cannot receive a fair trial in this jurisdiction. Any further saturation of the local media market with information in suppressed documents will exacerbate the inability to seat an impartial jury in the 6<sup>th</sup> Judicial District. Moreover, providing suppressed information to state, national and international media will decrease the likelihood a fair jury can be seated anywhere.

3. Mr. Redwine moves this court to maintain the suppression of documents so that Mr. Redwine might have some hope that his case will be heard by a fair and unbiased jury. In the alternative the defense moves the court for an order requiring the moving party to demonstrate that release of the information serves a compelling purpose more weighty than Mr. Redwine's right to a fair trial.

4. "Although the right of access to criminal trials is of constitutional stature, it is not absolute." See *Globe Newspaper Co. v. Superior Court for Norfolk County*, 457 U.S. 596 (1982); citing *Richmond Newspapers, Inc. v. Virginia*, *supra*, 448 U.S. 555, 581, n. 18, (1980) (plurality opinion). Mr. Redwine's right to a fair trial and an unbiased jury is a compelling governmental interest. There is no narrowly tailored means of allowing the press to review pleadings and ensure what is printed does not bias the jury pool.

5. Mr. Redwine moves for a hearing on this objection if this court is inclined to release pleadings to the public.

WHEREFORE, Mr. Redwine makes this motion pursuant to the Due Process, Trial by Jury, Right to Counsel, Equal Protection, Cruel and Unusual Punishment, Confrontation, Compulsory Process, Collateral Estoppel, Double Jeopardy, Right to Remain Silent and Right to Appeal Clauses of the Federal and Colorado Constitutions, and the First, Fourth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions and Article II, Sections 3, 6, 7, 10, 11, 16, 18 20, 23, 25 and 28 of the Colorado Constitution.

/s/ John Moran

John Moran, No. 36019  
Deputy State Public Defender  
Dated: October 25, 2018

/s/ Justin Bogan

Justin Bogan, No. 33827  
Deputy State Public Defender  
Dated: October 25, 2018

Certificate of Service

I hereby certify that

I served the foregoing  
document by e-filing same to all  
opposing counsel of record.

/s/ John Moran

/s/ Justin Bogan