

DISTRICT COURT, LA PLATA COUNTY, COLORADO 1060 East Second Avenue Durango, Colorado 81301	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. MARK REDWINE, Defendant	DATE FILED: October 1, 2018 11:01 AM FILING ID: DE70BC085AE60 CASE NUMBER: 2017CR343 σ COURT USE ONLY σ
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
[D44] NOTICE OF DEMAND FOR PRODUCTION OF RELEVANT MATERIALS AND INFORMATION CONCERNING THE STATE'S DOG SNIFF EVIDENCE, AND MOTION FOR PRODUCTION OF THAT MATERIAL AND INFORMATION	

Mr. Redwine, demands that the state provide him with the following information and materials, and he moves for the court to order such production, pursuant to Crim.P. 16 (I)(a)(1), (I)(a)(2) and (I)(c), and for the following reasons:

1. The discovery received by the defense so far details a number of occasions where various dogs were brought to various locations by police agents and that these dogs either independently or by direction of the police agents performed various tasks or exhibited various behaviors.

2. It is assumed for purposes of this motion that the state intends to assert that the conduct of such dogs is admissible under some theory of relevance. Accordingly, pursuant to Rule 16 Mr. Redwine requests disclosure of the following information about the dogs, the dog handlers, and physical items involved in this case:

A. Handlers

- i. Name, breed and biographical information of every present and past dog owned by the handler, including but not limited to, lineage information.
- ii. All training and educational records including the location of any program or training exercises, dates of programs or training exercises, sponsors', participants', and faculties' names and addresses, and all written materials relating to such training or educational event.
- iii. The title of all publications relating to dog tracking read, in whole or in part, by the handler.
- iv. The title of all publications specifically used by the handler to develop training exercises or a training regime.
- v. List and history of membership in all organizations relating to the training of dogs.
- vi. General educational background, names of institutions attended, dates of attendance, coursework taken, degrees received.
- vii. Law enforcement educational background, names of institutions attended, dates of attendance, coursework taken, degrees received, programs attended, details of on-the-job training.
- viii. Names of any authorities in the field of dog training with which the handler has worked, the nature of the work, all documentation of the work, all communications between the authority and the handler.

B. Dogs

- i. Names of all dogs used by officers in this case.

- ii. The dogs' owner's name and address.
- iii. All biographical information about the dog, including but not limited to, registrations with any associations or clubs and historical data relating to its lineage.
- iv. All veterinary records relating to the dogs.
- v. All training records, including the location of any program or training attempt, dates of programs or training attempts, sponsors', participants', and faculties' names and addresses, and all written materials relating to such training, including but not limited to, any forms regularly completed for training such as N.P.B.A. training forms.
- vi. All casework records, including all reports, notes, documentation, and participants.
- vii. Any information relating to success rates, including documentation of success and failures, both in casework and training.

D. Missing Discovery Reports.

- i. It appears that certain reports are missing. Dog handler reports have only been made available for certain handlers. moves for production of those reports. Mr. Redwine moves for production of all reports and relevant statements of police or other witnesses pertaining to any activities of dogs in this case.

3. The requested information is necessary in order for Mr. Redwine to be able to adequately investigate and prepare a defense to the allegations against him,

particularly the dog sniff evidence which the state indicates it is relying upon. This information is necessary in order for the defense to be able to evaluate and investigate the qualifications of the dogs and their handler(s). It would be unfair and unreliable for the state to be permitted to rely upon such evidence without permitting him access to the information requested herein, all of which pertains directly to the **reliability and accuracy of the state's alleged evidence**.

4. Mr. Redwine moves for a hearing on this motion.

5. Mr. Redwine makes this motion, and all motions and objections in this case, whether or not expressly stated at the time of the motion or objection, under the Due Process, Trial by Jury, Right to Counsel, Confrontation, Compulsory Process, Equal Protection Cruel and Unusual Punishment and Privilege Against Self Incrimination Clauses of the federal and Colorado Constitutions, and the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the U.S. Constitution, and Art. II, §§ 3, 6, 7, 8, 16, 18, 20, 23 and 25 of Colorado's Constitution.

Respectfully submitted,

/s/ John Moran

John Moran, No. 36019

Deputy State Public Defender

Dated: October 1, 2018

/s/ Justin Bogan

Justin Bogan, No. 33827

Deputy State Public Defender

Dated: October 1, 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