

<b>DISTRICT COURT, LA PLATA COUNTY, COLORADO</b> Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	<div style="border: 2px solid black; padding: 5px; text-align: center;">         ORIGINAL FILED / REC'D          IN COMBINED COURT          LA PLATA COUNTY, COLORADO   <b>NOV 13 2013</b>           DEPUTY CLERK          ▲ COURT USE ONLY ▲       </div>
<b>Plaintiff: PEOPLE OF THE STATE OF COLORADO</b>  v.  <b>Defendant: MARK ALLEN REDWINE</b>	
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
<b>PEOPLE'S RESPONSE TO [D-48] DEFENDANT'S MOTION TO EXCLUDE EVIDENCE OF PROSECUTION ADMONISH ALL WITNESSES NOT TO REFERENCE</b>  <b>[PUBLIC ACCESS]</b>	

NOW COME the People, by and through Christian Champagne, District Attorney, in the County of La Plata, and as their response to the Defendant's motion state as follows:

1. The People agree with the Defendant that the \_\_\_\_\_ are inadmissible at trial. The People have no objection to his request that any evidence pertaining \_\_\_\_\_ be excluded at trial.
2. However, the Defendant's request in his motion is overly broad in further requesting that there be no \_\_\_\_\_ whatsoever in the case.
3. There are two specific references to \_\_\_\_\_ in this case that are still relevant in a manner that is independent of the reliability concerns of \_\_\_\_\_ cited in the Defendant's motion, and one which should be admitted at trial pursuant to both C.R.E. 401 and C.R.E. 403.
4. First, the Defendant has held out to people in this case that the results of his examination were \_\_\_\_\_, when in fact he was made aware that \_\_\_\_\_. \_\_\_\_\_ Independent of the actual \_\_\_\_\_ which the People concede are inadmissible, this statement by the Defendant is relevant because it

shows [REDACTED] interested in what actually happened to Dylan Redwine. However, with regard to this relevant statement of [REDACTED], the People will acknowledge that there are concerns pursuant to C.R.E. because the statement itself is so intertwined with the [REDACTED] as to require the reference to the results for context to the [REDACTED]. For that reason, and the risk of confusion of the issues or unfair prejudice at trial, the People will not seek to admit these relevant statements.

5. Second, a valid search warrant of the Defendant's electronics in this case has revealed in an extraction report for his iPhone that the Defendant conducted internet searches [REDACTED]. This is most certainly relevant in the context of the nearly six year investigation into the disappearance and murder of his son and the numerous contacts police have had with him in an attempt to get him to tell them the truth about what happened to Dylan Redwine. He did not search for "[REDACTED]" nor did he search for "[REDACTED]." The Defendant searched for "[REDACTED]."
6. Unlike the Defendant's [REDACTED] with inconclusive results, this internet search can be admitted into evidence without any reference to him actually [REDACTED]. In this case, the jury will hear that law enforcement interviewed the Defendant many times in this case, and that he denied responsibility for his son's disappearance and murder. It bears on his credibility and the credibility of those statements that he was investigating how to deceive law enforcement.
7. Upon introducing the results of the search warrant that revealed the Defendant's internet search for "[REDACTED]," the People will not inquire of the witness if the Defendant actually [REDACTED] or if he was asked to [REDACTED]. The People would simply show the research he conducted to prepare for the statements he gave to police in this case.
8. The Defendant's credibility will be directly at issue in this trial, as he has denied killing Dylan Redwine in numerous interviews. There is perhaps nothing more probative than information demonstrating his efforts to deceive law enforcement over the course of this investigation.
9. It should be noted that all of the case law cited by the Defendant pertains to the admissibility of [REDACTED], because of uncertain reliability of the results and the way the results intrude upon the province of the jury, but not necessarily any reference to [REDACTED] generally.
10. Finally, the Defendant's motion does not seek to exclude [REDACTED] interviews or [REDACTED] interviews and to the extent that the People introduce the Defendant's statements in these contexts, the People will advise witnesses not to reference the associated [REDACTED].

WHEREFORE, the People respectfully request this Honorable Court DENY in part the Defendant's Motion to exclude any reference to [REDACTED] by any witness, and GRANT the Defendant's motion to exclude the results of any [REDACTED].

Respectfully submitted this March 14, 2019.

CHRISTIAN CHAMPAGNE  
DISTRICT ATTORNEY  
6<sup>th</sup> JUDICIAL DISTRICT

/s/ Fred Johnson  
Fred Johnson, #42479  
Special Deputy District Attorney

#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2018, I delivered a true and correct copy of the foregoing to the parties of record via e-service.

/s/ Christian Champagne  
Christian Champagne