

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	<div style="border: 1px solid black; padding: 5px; text-align: center;"> ORIGINAL FILED / REC'D IN COMBINED COURT LA PLATA COUNTY, COLORADO NOV 15 2013 DEPUTY CLERK ▲ COURT USE ONLY ▲ </div>
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	
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 RESPONSE TO [D-44] 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 [PUBLIC ACCESS]	

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:

Law

1. The People object to the scope of the request by the Defendant, and to the lack of basis of the request.
2. C.R.Crim.P.16(I)(d) Discretionary Disclosures governs what materials are discoverable as it relates to experts:

Where the interests of justice would be served, the court may order the prosecution to disclose the underlying facts or data supporting the opinion in that particular case of an expert endorsed as a witness. If a report has not been prepared by that expert to aid in compliance with other discovery obligations of this rule, the court may order the party calling that expert to provide a written summary of the testimony describing the witness's opinions and the bases and reasons therefor, including results of physical or

mental examination and of scientific tests, experiments, or comparisons.

3. The People have provided all of the materials in their possession and control to the Defendant. There are several witnesses in this case that acted as canine handlers. None of them are employed by the investigating agency, the La Plata County Sheriff's Office.
4. Further, the People have provided the reports for each of the canine handlers, along with CVs and training records that have been provided to the People. In doing so, the People have proactively provided the discretionary expert disclosures the Court often orders under C.R.Crim.P. 16. The People have requested further materials of this nature, and at this time, have not yet decided which witnesses will be called as experts at trial. This determination will be based partly on what materials these witnesses ultimately provide.
5. The People intend to call Carren Corcoran as an expert witness at trial. The People have provided her CV, her reports in this case, training records for her canine Molly, certifications, and additional description of Molly's background and breed. The People are in compliance with C.R.Crim.P.16.
6. The People may call Katie Steelman as an expert witness at trial. The People have provided her reports, her CV, additional certificates and certifications, and training records for her canine Darc. Additionally, her CV describes field work done by herself and her canine Darc. The People are in compliance with C.R.Crim.P 16.
7. The People may call Rae Randolph as an expert witness at trial. The People have provided her reports, her CV, and the certificates she has provided to the People thus far. The People have also provided training records. The People are in compliance with C.R.Crim.P. 16.
8. The People may call Wendy Kessinger as an expert witness at trial. The People have provided her reports, a summary of the qualification of her personal business including her training and work experience, and the certificates related to her training and the training of her canine Sadie that have been provided to the People thus far. This includes training records and actual searches conducted. The People have requested a formal CV and any additional training records that were kept, and she has indicated she will provide them.
9. The People do not anticipate calling Roy Vreeland as an expert witness in this case. He will be called as a fact witness. The reports documenting his involvement in this case have been discovered. He has indicated that he did not keep records of his work in training his canine Cayanne in human remains detection, however, he did indicate that Cayanne was formally trained in Search

- and Rescue. The People have requested any further training records or certifications he may have in this area.
10. The People object to the additional request made by the Defendant. This is sufficient information to conduct an effective cross-examination. The People have provided the materials enumerated in Rule 16 for discretionary expert disclosures, including expert reports of the canine's findings indicating what they would testify to if called. At this time, the People are more than 35 days from the trial date and still collecting information as indicated above. The People understand that if the decision is made to call these witnesses as experts, the credentials of the expert witness and canine will be required.
 11. Much of the other discovery requested lacks relevance or a nexus to this case, is overbroad, or has already been provided. For example, the Defendant is requesting "[a]ll veterinary records relating to the dogs," "biographical information of every present and past dog owned by the handler," and "[a]ll biographical information about the dog." Many of these things are not in possession and control of the People and bear no relevance to this case, but where the handlers have provided them the People have discovered them. The Defendant cites no legal authority that entitles him to these requests.
 12. C.R.Crim.P.16 does not put an affirmative duty on the People to procure this type of irrelevant information on behalf of the Defendant. The Defendant has made no showing why he cannot procure this information on his own from another source, nor any reason for why these additional requests are necessary or reasonable.
 13. The People will continue to comply with C.R.Crim.P.16 and turn over any information they receive with regard to these canines and handlers. Further, in addition to providing all expert reports in this case, the People will continue to make efforts to obtain relevant CVs for handlers and training records for canines that relate to any witness who will be called as an expert in this case.

WHEREFORE, the people respectfully request that the court order the People to continue to comply with C.R.Crim.P.16 including the discretionary expert disclosures, and deny the Defendant's motion for additional materials that are not within the possession and control of the People.

Respectfully submitted this March 14, 2019.

CHRISTIAN CHAMPAGNE
DISTRICT ATTORNEY
6th JUDICIAL DISTRICT

/s/ Fred Johnson
Fred Johnson, #42479

Special Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that November 15, 2018, I delivered a true and correct copy of the foregoing to the parties of record via e-service.

/s/ Christian Champagne
Christian Champagne