

DISTRICT COURT, LA PLATA COUNTY, COLORADO 1060 East Second Avenue Durango, Colorado 81301	DATE FILED: November 27, 2018 6:52 PM FILING ID: 9F6D26C973164 CASE NUMBER: 2017CR343 σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. MARK REDWINE, 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
[D102] REPLY, OBJECTION AND MOTION TO STRIKE PROSECUTION "RESPONSE TO [D-48] [REDACTED] [REDACTED] (PUBLIC ACCESS)	

Undersigned counsel, received written notification that the prosecution would in fact like to [REDACTED] on November, 13, 2018. The notice was provided 53 days after the Court's deadline. More importantly the government has been aware that it intended to use statements so intertwined with [REDACTED], that they cannot be separated causing the prejudicial effect to substantially outweigh their probative value, since November 21, 2012. The prosecution makes a loose reference to two rules of evidence rendering its motion, couched as a response, entirely bereft of any legal support. Mr. Redwine moves this Court to strike the prosecution's untimely request and hereby asserts:

1. [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED] is reaction was not voluntary. His reaction was reasonable in the face of efforts by law enforcement for extra-judicial condemnation.

2. In Colorado, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] and these circumstances may be considered in determining the voluntariness of the statements. People v. Cummings, 706 P.2d 766, 770 (Colo.1985). Mr. Redwine

asserts his statements were not voluntary. *See* U.S. Const. Am. V, VI, IV; CO Const. Art. 2 §§ 16, 18, 23, 25, 26.

7.

[REDACTED]

[REDACTED] Mills v. People, 139 Colo. 397, 339 P.2d 998 (1959).

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: November 27, 2018

/s/ Justin Bogan

Justin Bogan, No. 33827
Deputy State Public Defender
Dated: November 27, 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