

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	ORIGINAL FILED / REC'D IN COMBINED COURT LA PLATA COUNTY, COLORADO NOV 29 2018 DEPUTY CLERK
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	▲ COURT USE ONLY ▲ Case Number: 17 CR 343
PEOPLE'S RESPONSE TO [D-104] DEFENDANT'S MOTION TO FOR SANCTIONS RENEWED: OBJECTION, MOTION FOR OMNIBUS HEARING, MOTION TO CONTINUE MOTIONS HEARING AND NOTICE OF DATA DUMPING [PUBLIC ACCESS]	

NOW COME the People, by and through Christian Champagne, District Attorney, in the County of La Plata, and hereby respond to defense motion [D-104]:

1. The defendant, through counsel, moves this court for sanctions based on the People disclosing information that is discoverable under Crim. P. Rule 16.
2. Crim. P. Rule 16 is self-executing and places a duty on the People to disclose to the defendant any evidence in the People's possession which is relevant to the case. The People have done so.
3. The investigation in this case is ongoing, and as a result, new discoverable information is being produced on a regular basis.
4. In reference to the material discovered on November 29, 2018, the following facts are important for the court to consider:
 - a. Of the 66 pages sent to defense counsel on this day, roughly ½ are duplicates.

- b. Of those, 10 contain police reports and property logs, only 2 of which are authored by the witness Officer Craig Johnson, who the People intend to call on Monday, December 3, 2018.
- c. Of the 66 pages discovered, the events described have been available for review by the defense via the body cam videos and attendant documentation previously discovered to the defense more than a year ago; in short, there is nothing new in this discovery.
- d. Of the 2 pages discovered which are actually relevant to the issue raised in defense motion #83, the evidence disclosed on those 2 pages is entirely mundane, calls for no further investigative steps on behalf of the defendant, is eminently absorbable on short notice by defense attorneys with the experience of Mr. Moran/Mr. Bogan, and clearly does not necessitate a continuance.

See Exhibit 1.

5. Regarding the timing of the disclosure of this evidence, the People ask the court to consider the following offer of proof:
 - a. Upon contact with Officer Johnson on November 28, 2018, the People learned that the Bellingham Police Department was in possession of reports regards the defendant's arrest in Bellingham Washington on July 21, 2017. The People requested these reports on November 28, 2018, received them after business hours on that date, and discovered them first thing on November 29, 2018, as is our duty under Crim. P. Rule 16.
 - b. Upon receiving these materials, the La Plata County Sheriff's Office notified the prosecution team that these documents had previously been received in 2017, but had been misfiled and were thus never forwarded to the District Attorney's office for discovery. *See Exhibit 2.* In an effort to be transparent, the People disclosed these documents, with proof of their date of receipt, to defense counsel within the 66 pages of discovery sent out on November 29, 2018.
 - c. The prosecution team was entirely unaware of the existence of these documents until November 28, 2018. It was only after acquiring them and beginning the discovery process that the People were ever made aware that the Sheriff's office had previously acquired and misplaced these same documents.
6. The defendant accuses the People of having "'padded' an open file with pointless or superfluous information to frustrate a defendant's review of the file...." This type of frivolous and baseless accusation is both unprofessional and demeaning to defense counsel and insulting to the People, the Court, and the truth-seeking process.

7. A careful review of the discovery provided since September 21, 2018, the original motions filing deadline, reveals the following facts:
- a. 2,512 pages of discovery have been provided since September 21, 2018.
 - b. 1684 of those pages relate specifically to STRMix and Dr. John Buckleton, and were discovered the request of defense counsel and pursuant to Crim. P. Rule 16. *See* D-22.
 - c. 282 of those pages relate specifically to the various canines and their handlers and were discovered at the request of defense counsel and pursuant to Crim. P. Rule 16. *See* D-37 – D-40, D-44.
 - d. 65 of those pages were the *curriculum vitae* of the various experts endorsed by the People and regarding who the defense demanded discovery, specifically, their *curriculum vitae*. *See* D-18 – D-34, D-49 – D-52.
 - e. 216 of those pages relate to new supplements reports and associated property logs and are required to be discovered pursuant to Crim. P. Rule 16.
 - f. Only 365 pages have been discovered since November 1, 2018.

See Exhibit 3.

8. It is unfortunate that defense counsel feels the need to mislead the tribunal regarding the discovery activities of the People. The People have conscientiously and thoroughly sought out every possible discoverable piece of evidence in this case, and have performed our duties under Crim. P. Rule 16 and the attendant case law in a timely and transparent manner. It borders on preposterous that defense counsel now complains of having received *too much* discovery (especially discovery that *they themselves requested*), for were the opposite true, the defense would surely complain of having not received enough.

WHEREFORE, the People request that the court deny D-104 summarily.

Respectfully submitted this November 29, 2018.

CHRISTIAN CHAMPAGNE
DISTRICT ATTORNEY
6th JUDICIAL DISTRICT

/s/ Christian Champagne
Christian Champagne #36833
District Attorney

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2018, I delivered a true and correct copy of the foregoing to the parties of record via e-service.

/s/ Christian Champagne
Christian Champagne