

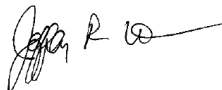
DISTRICT COURT, LA PLATA COUNTY, COLORADO		DATE FILED: April 27, 2020 11:45 AM
Court Address: 1060 EAST 2ND AVENUE, ROOM 106, DURANGO, CO, 81301-5157		
THE PEOPLE OF THE STATE OF COLORADO		<p style="text-align: center;">△ COURT USE ONLY △</p>
v.		
Defendant(s) MARK ALLEN REDWINE		
		Case Number: 2017CR343
		Division: 1 Courtroom:
Order Regarding the Prosecutions Motion to Reconsider Order Regarding the Proposed Scene View (P-48)		

The defendant is charged with murder in the second degree and child abuse resulting in death in relation to the death of the defendant's thirteen-year-old son, Dylan. In 2018, the prosecution filed a motion for the jury to view various scenes, including the outside of the defendant's former home and the two locations where Dylan's partial remains were discovered. The Court initially granted the motion and ordered that the prosecution and defense confer and attempt to agree upon a procedure to use for the scene view. The defense and prosecution were unable to reach such agreement. The prosecution then filed a notice as to how it proposed to conduct the proposed scene view. Upon reviewing the prosecution's proposal and considering other options for the prosecution to present evidence regarding the various locations, the Court denied the requested scene view, finding that the probative value of the evidence gained by the scene view was substantially outweighed by the cumulative nature of such evidence and that the amount of time that would be spent on the proposed view would be better spent taking testimony and introducing exhibits. See the Court's Order Regarding the Prosecution's Motion for Jury View (P-36) filed on March 8, 2020. The prosecution has now filed a motion requesting that the Court reconsider its order of March 8, 2020, arguing that with the new trial date being in July, there is no longer any concern that snow covered roads would prevent the jury from being able to see the three proposed sites.

While the Court did mention road conditions as a possible issue in deciding the motion for a scene view, it certainly was not the only concern the Court had, nor the determinative reason that the Court denied the motion after seeing the prosecution's proposed plan. The other reasons stated in the Court's order have not changed. Additionally, due to the COVID-19 pandemic, it appears that current public health orders, which will require each juror to maintain at least six feet of separation from all other people, will likely remain in effect during the trial. This order will significantly impact the manner of transporting jurors to and from the three scenes, as well as the viewing at the scenes, requiring more vans, drivers, and bailiffs to accompany the jurors than originally proposed. While it may be possible to avoid the six feet of separation requirement if everyone involved is required to wear masks and gloves for the entire trip to and from and while viewing all three scenes, the Court is not sure how practical such an order would be. The Court also believes that any order requiring the jury to be transported in two vans for multiple hours would endanger juror health, even if the Court did order the wearing of masks and gloves. The jury in July is likely to be very concerned about adverse effects to their health just by virtue of being jurors in this case and the Court declines to endanger their health any further or make the jurors more concerned about risks to their health by reconsidering its order regarding the jury view of the three scenes.

For the forgoing reasons, the Court denies the prosecution's motion to reconsider its previous order in this regard. P-48 is denied.

Issue Date: 4/27/2020



JEFFREY RAYMOND WILSON
District Court Judge