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| **DISTRICT cOURT la plata county**  1060 E. 2nd Ave.  durango, Colorado 81301  970-247-2304 | COURT USE ONLY |
| the people of the state of colorado,  Plaintiff,  v.  **Mark redwine,**  Defendant |
| Douglas K. Wilson, Colorado State Public Defender  John Moran, No. 36019  Deputy State Public Defender  175 Mercado St., Suite 250, Durango, CO 81301  Phone: (970) 247-9284 Fax: (970) 259-6497 | **Division: 1**  **Case Number: 17CR343** |
| **DEFENSE 0**  **FILED UNDER SEAL**  **[Public Access]** | |

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| **FILED UNDER SEAL: MOTION TO STRIKE DURANGO HERALD’S LETTER AND DEMAND FOR ORDER PROHIBTING THE UNAUTHORIZED PRACTICE OF LAW**  **[D-0]**  **[Public Access]** | |

Mr. Redwine, through counsel, respectfully moves this Honorable Court to strike the Durango Herald, letter of August 10, 2017 from the record, deny the request therein, and order that all future applications to the court for an order be made in compliance with the laws, orders and rules of the State of Colorado.

1. The Durango Herald applies to the Court for an order in a letter addressed to Hon. Jeffrey Wilson. The letter specifically moves to have a photographer and videographer in the courtroom. Shane Benjamin, the author of the letter, cites to non-binding legal authority.
2. The law in Colorado requires, “[a]n application to the court for an order shall be by motion.” Crim. P. Rule 47(a). No such motion has been filed. Further, Colorado prohibits the unauthorized practice of law. C.R.C.P. Rules 228-240.
3. The Court cannot permit an unlicensed person to commit acts which it would condemn if done by a lawyer. *Unauthorized Practice of Law Comm. V. Grimes,* 654 P.2d 822 (Colo. 1982); *see generally* CRS 12-5-112. A lawyer would not be permitted to engage in the *ex parte* communication Mr. Benjamin has effected. Counsel is at a distinct disadvantage here because: 1) when the letter was provided to the court there was no case number for counsel to file an objection to the motion contained in the letter on Mr. Redwine’s behalf and; 2) reacting in kind and sending a letter would violate the Colorado Rules of Professional Conduct, Colorado Rules of Civil Procedure and applicable Chief Justice Directives.
4. The letter does not comport with filing requirements. *See*  6th Judicial Administrative Order 2016-03; C.R.C.P. Rule 121: C.R.C.P. Rule 10; Chief Justice Directive 11-01. The Court cannot permit The Durango Herald to ignore administrative orders, Rules of Civil Procedure and Chief Justice Directives. Doing so would not be permitted of a lawyer. *Grimes,* 654 P.2d at 825-826.
5. The letter concludes with a request that the Judge engage in *ex parte* communication with the author. A lawyer would not be permitted to make such a request and the unlicensed author of the letter must not be permitted to do so with the format and procedure selected. *Id.*

WHEREFORE, Mr. Redwine respectfully moves this Honorable Court to strike the letter from the record, deny the request therein and order that all applications to the court for an order be made in compliance with the laws of Colorado.

DOUGLAS K. WILSON

COLORADO STATE PUBLIC DEFENDER

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| /s/ *John Moran\_\_\_\_\_\_\_\_\_\_*  John Moran, No. 36019  Deputy State Public Defender  175 Mercado Drive, Suite 250  Durango, CO 81301  970-247-9284 | **Certificate of Service**  I hereby certify that I served the foregoing document by delivering E-Filing same to all opposing counsel of record.  /s/ *John Moran\_\_\_\_\_\_*  John Moran  Deputy State Public Defender |