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| District court  la plata county, colorado  1060 E. 2nd Ave., Durango, Co 81301 | cOURT USE ONLY |
| THE PEOPLE OF THE STATE OF COLORADO,  Plaintiff  v.  **Mark Redwine**,  Defendant |
| Douglas K. Wilson, Colorado State Public Defender  John Moran, #36019  Deputy State Public Defender  Durango Regional of the Colorado Public Defender  175 Mercado Drive, Suite 250 Durango, CO 81301  Phone 970-247-9284 Fax (970) 259-6497 | Case No. 17CR343  Division1 |
| **INVOCATION OF RIGHTS TO SILENCE AND COUNSEL**  **AND REVOCATION OF PRIOR RELEASES AND WAIVERS [D-2]**  **[Public Access]** | |

1. Mr. Redwine moves this Court for an order requiring the Office of the District Attorney, any other law enforcement personnel, including but not limited to the La Plata County Sheriff's Office, the La Plata County Detention Facility, the Durango Police Department, the Colorado Bureau of Investigation and all police agencies involved in the investigation and/or their agents to (a) get the consent of Mr. Redwine's counsel before attempting to contact or interview Mr. Redwine about this case, any other suspected criminal activity, and any evaluation of his mental health history or mental health around the time of the alleged offense and (b) to give said counsel reasonable opportunity to be present prior to any contact by any of those agents with Mr. Redwine regarding the same.
2. Mr. Redwine does not wish to be interviewed, contacted, questioned or communicated with by any state agents unless his attorney is present. Mr. Redwine wishes all of his contacts with state agents about the above topics to take place through his legal counsel. Mr. Redwine wishes to be represented by counsel and exercise his Statutory and Constitutional Rights to remain silent and be represented by counsel.
3. Mr. Redwine moves this Court for an order prohibiting any jail personnel, including counselors, social workers, psychologists, and psychiatrists from interviewing Mr. Redwine and/or conducting any evaluations of him which require talking to him.
4. Mr. Redwine has the right to refuse any and all interviews with anyone at the jail and does refuse to discuss any matter with any and all jail personnel pursuant to the Fifth and Sixth Amendments of the United States Constitution and the Colorado Constitution.
5. Mr. Redwine hereby exercises his rights to remain silent and privileges against self-incrimination and rights to counsel under the Federal and State Constitutions.  *See, e.g.*, *Massiah v. United States*, 377 U.S. 201 (1964); *People v. Pierson*, 633 P.2d 485 (Colo.App. 1981); *People v. Pierson*, 670 P.2d 770 (Colo. 1983); *People v. Cerezo*, 635 P.2d 197 (Colo. 1981); *People v. Lowe*, 616 P.2d 118 (Colo. 1980); *People v. Jones*, 677 P.2d 383 (Colo.App. 1983). *See also Edwards v. Arizona*, 451 U.S. 477, 101 S.Ct. 1880, 68 L.Ed.2d 378 (1981); *United States v. Henry*, 447 U.S. 264 (1980); *Maine v. Moulton*, 474 U.S. 159 (1985).
6. Mr. Redwine revokes and rescinds all prior releases, waivers, and authorizations (except to the public defender’s office). Mr. Redwine revokes and rescinds all releases (except releases of information to the public defender’s office), waivers and authorizations for the release of information which he may have heretofore made, and he has asserted all of his rights and privileges under Colorado's privilege rules, statutes and principles, including but not limited to C.R.S. § 13-90-107, HIPPA, and the Due Process, Right to Counsel, Confrontation, Right to Remain Silent, Privilege Against Self Incrimination Under the United States and Colorado Constitutions. U.S. Constitution Amends. IV, V. VI, XIV; Colo. Const. Art II, §§ 16, 18, 25.

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| \_/s/ John Moran\_\_\_\_\_\_\_\_\_\_  John Moran #36019  Deputy State Public Defender  Dated: August 15, 2017 | **Certificate of Service**  I hereby certify that I served the foregoing document by e-filing with ICCES same to all opposing counsel of record.  **\_\_\_/s/ John Moran\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
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