

DISTRICT COURT LA PLATA COUNTY, COLORADO 1060 E. SECOND AVENUE DURANGO, COLORADO 81301	DATE FILED: May 10, 2019 10:39 AM FILING ID: 4438E93C806F5 CASE NUMBER: 2017CR343 COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. Mark Allen Redwine Defendant	Case No. 17CR343 Division: 1
Megan Ring, 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	
<p style="text-align: center;">D-118</p> <p style="text-align: center;">MOTION FOR RE-HEARING ON PROSECUTION'S MOTION TO INTRODUCE PURPORTED EVIDENCE OF "SINGULAR OTHER ACT"</p> <p style="text-align: right;">PUBLIC ACCESS</p>	

Defense Counsel for Mark Redwine is in possession of the "SUPPRESSED ORDER REGARDING THE PROSECUTION'S NOTICE OF INTENT TO PRESENT EVIDENCE OF SINGULAR OTHER ACT PURSUANT TO C.R.E. 404(b) (P-8). Defense Counsel requests a rehearing on that motion.

THE STORIES OF DENISE HESS AND KATHY BERRI

1. Dylan Redwine went missing from his father's home on or about November 18 and 19, 2012. His father, the Defendant in this case, owned a house in the Vallecito, Colorado area. Dylan was visiting his father on November 18 and 19, 2012, consistent with a court order for visitation issued in 05DR255. Mark Redwine reported his son was missing on November 19, 2012. Since reporting his son missing, Mark Redwine has been the primary suspect in Dylan's disappearance and death in the eyes of law enforcement and the community at large despite there being no compelling evidence to support that suspicion. He has also been the target of a campaign orchestrated by Dylan's mother designed to inculcate him in this matter. Some of Dylan's skeletal remains were found in June 2013. Said remains were found in the wilderness area known as "Middle Mountain" in the Vallecito, Colorado area.

2. After some of Dylan's skeletal remains were found in June 2013. [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

Id.

3. [REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

DR. DIANE FRANCE'S REPORTS

8. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

e.

[REDACTED]

9. This “theory” rests upon the OPINION of Dr. France, the anthropologist that repeatedly examined the PARTIAL cranium of Dylan Redwine. The prosecution submits that Dr. France summarily found that Dylan suffered from blunt force trauma to the head while he was alive.

10. Dr. France, in Prosecution Exhibit 3 states, “There are many fracture on the edges of the segment, many of which *can be most conservatively explained by scavenging*. There are numerous toothmarks on the section . . . but there are also fractures that *cannot be easily explained* by scavengers. The left frontal bone and left coronal suture . . . have indications of perimortem blunt trauma.”

11. By the prosecution’s own expert analysis, many of the fractures to the partial cranium of Dylan Redwine were caused by animal scavenging. Other fractures may not be *as easily explained* by scavenging. The learned doctor *cannot rule out scavenging* as the source of injury of the other fractures she also associates with blunt force trauma. In fact, in a subsequent conversation with the prosecutors in this case, Dr. France submitted that the other fractures could have been caused other forces besides blunt force trauma:

Dr. France said that she agreed that the bending could have occurred from pressure being applied by an animal. Dr. France said she also gave a hypothetical of a cow stepping on it or kicking it, or the cranium being dropped on rocks or rocks piled up on the cranium. She said she doubted this would have caused that injury, and that her opinion was that the fractures were caused by blunt force trauma, and that these injuries were perimortem. Exhibit 1.

12. Further, the learned doctor submits that the fractures in question were “perimortem,” meaning they could have been inflicted, days, weeks, or months after death – not necessarily prior to or at time of death. *Id.* As to the two marks on the right zygoma of the partial cranium, the doctor posits that in her opinion those could not have been made by a large scavenger or rodent, but were made by a “sharp cutting tool.”

13. The prosecution has failed to prove in their pleadings and brief argument that blunt force trauma was inflicted on Dylan Redwine by Mark Redwine because they cannot even prove blunt force trauma inflicted by *any person* occurred to Dylan’s partial cranium.