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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 |
| **MOTION TO PROHIBIT CONSUMPTIVE TESTING WITHOUT NOTICE TO THE DEFENSE [D-6]**  **[Public Access]** | |

Mr. Redwine, by and through counsel, moves this Court to prohibit any consumptive testing without notice to the defense, and as grounds states as follows:

1. The initial information the prosecution has provided to regional, national, and international media outlets indicates that physical evidence has been collected in this case.

2. If the prosecution intends to pursue testing that, in their estimation, would completely consume any of the item(s) collected in this case, the prosecution must establish as a fact that the quantity of the sample or substance to be tested is insufficient to allow more than the single test proposed by the prosecution. Until the State meets this burden, they should not pursue any consumptive testing.

3. Mr. Redwine requests that this Court order the prosecution to refrain from any testing that is or is thought to be consumptive.

4. Mr. Redwine makes this motion pursuant to the Due Process, Right to Counsel, Confrontation, and Compulsory Process Clauses of the Federal and Colorado Constitutions, Article II, Sections 3, 6, 16 and 28, of the Colorado Constitution, and Article I, Section 9 and the Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution.

Respectfully Submitted,

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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\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |