

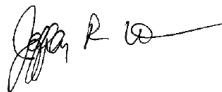
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| DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 East 2nd Avenue, Room 106, Durango, CO, 81301-5157 | DATE FILED: July 27, 2018 <p style="text-align: center;">△ COURT USE ONLY △</p> |
| The People of the State of Colorado v. MARK ALLEN REDWINE | |
| Order Regarding D-13 and D-15 (C-11) | |

On August 15, 2017, the defendant filed a motion to prohibit consumptive testing without notice to the defendant. See Defendant's D-6. The prosecution initially responded to D-6 on August 18, 2017. On September 9, 2017, the Court issued an order regarding the motion to prohibit consumptive testing without notice to the defense. The Court ordered ". . . that if the prosecution conducts consumptive testing of any evidence, the defendant shall first be given a minimum of 14 days notice prior to the consumptive testing and allow expert(s) of the defendant's choosing to observe such testing." On June 28, 2018, and July 12, 2018, the prosecution filed a second and third response to D-6, giving notice that it intended to have CBI retest certain items of evidence due to advances in DNA analysis since the original analysis. In the two notices, the prosecution announced that it will give the defense 48 hours notice of consumptive testing. In response, the defense has filed D-13 objecting to consumptive testing and in the alternative requesting 14 days notice prior to such testing to allow the presence of a defense expert at such testing. The defense has also filed a motion to require the prosecution to explain why it needs to re-analyze previously tested evidence prior to such testing. D-15.

The Court orders that all consumptive testing of evidence already tested be delayed until the Court can issue an order upon defense motion D-15. The Court will review the response and any reply to D-15 and determine if it can rule upon the motion without a hearing. If no hearing is necessary, the Court will issue a ruling based upon the pleadings. If a hearing is necessary, the Court will set a short hearing before the currently set motions hearing to resolve the issue.

If the Court allows the consumptive testing of such evidence, the Court expects its order regarding the 14-day notice prior to consumptive testing to be obeyed.

Issue Date: 7/27/2018



JEFFREY RAYMOND WILSON
 District Court Judge