

DISTRICT COURT, LA PLATA COUNTY, COLORADO		DATE FILED: July 30, 2019 4:10 PM
Court Address: 1060 East 2nd Avenue, Room 106, Durango, CO, 81301-5157		
The People of the State of Colorado v. MARK ALLEN REDWINE		<p style="text-align: center;">△ COURT USE ONLY △</p> Case Number: 2017CR343 Division: 1 Courtroom:
Order Concerning D-145 Request to Continue Trial (C-36)		

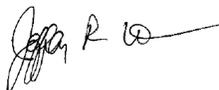
At this time, Mr. Bogan and Mr. Moran represent the defendant in this case. At the status conference on July 25, 2019, only Mr. Bogan appeared for the defendant. Mr. Bogan initially brought to the Court's attention that defense counsel was asserting that, because of Mr. Moran's recent arrest on misdemeanor charges, a conflict of interest had developed between Mr. Moran and the defendant which would preclude Mr. Moran from providing effective representation of the defendant. At the status conference the Court asked Mr. Bogan if other reasons existed in addition to the conflict that precluded Mr. Moran from representing the defendant. At that time, Mr. Bogan requested to make an ex-parte record. The Court did not ask Mr. Bogan to explain why the information he would provide to the Court needed to be made outside of the presence of the prosecution and the Court did not rule upon whether providing such information to the Court in an ex-parte manner was appropriate.

In C-34, the Court has ordered that defense counsel inform the Court and prosecution if there is any reason Mr. Moran cannot proceed to represent the defendant in addition to the alleged conflict that was discussed in the status conference held on July 25, 2019. D-145 does not give any reason justifying the request to continue the case other than Mr. Moran's recent arrest on misdemeanor charges. If there are any reasons in addition to the reasons stated in D-145, Mr. Bogan shall file a motion stating the reason. If Mr. Bogan believes that the reason needs to be given to the Court in an ex-parte manner, Mr. Bogan shall file his motion stating that an additional reason or reasons exist to continue the case and explain why that reason needs to be provided to the Court in an ex-parte manner. Mr. Bogan shall file such motion within three days. Should Mr. Bogan assert that the reason(s) need to be provided to the Court in an ex-parte manner, the prosecution shall have three days to respond to the request to provide the reasons in an ex-parte manner.

Paragraph 1 of D-145 states ". . . at this time Mr. Moran will not be proceeding as counsel of record for Mr. Redwine." There has been no motion filed with the Court seeking to allow Mr. Moran to withdraw and the Court has not, *sua sponte*, issued any such order. At this time, both Mr. Moran and Mr. Bogan are counsel of record for the defendant.

The Court will determine whether reason(s) exist justifying a continuance of the trial after the matters are fully briefed. If a conflict is determined to exist or some other reason exists to continue the case, the Court will look favorably upon this motion to continue. However, if and until the Court finds that a conflict of interest exists between the defendant and Mr. Moran, or some other valid reason justifies Mr. Moran from no longer representing the defendant, Mr. Moran and Mr. Bogan shall continue to represent the defendant and proceed on the assumption that the case will proceed to trial as currently scheduled.

Issue Date: 7/30/2019



JEFFREY RAYMOND WILSON
District Court Judge