

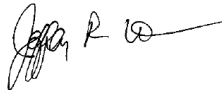
DISTRICT COURT, LA PLATA COUNTY, COLORADO	
Court Address: 1060 East 2nd Avenue, Room 106, Durango, CO, 81301-5157	DATE FILED: February 20, 2019
The People of the State of Colorado v. MARK ALLEN REDWINE	<p style="text-align: center;">△ COURT USE ONLY △</p>
	Case Number: 2017CR343 Division: 1 Courtroom:
Order Denying the Second D-15, Motion to Dismiss Indictment Due to Pre-Indictment Publicity	

The Defense has filed a second motion that is numbered D-15, filed on September 20, 2018. In the second D-15, the defense argues that prejudicial publicity prior to the time the grand jury was empaneled prohibited a fair grand jury from considering this case. The only case the defense has cited that specifically addresses this issue is *Beck v. Washington*, 369 U.S. 541, (1962), wherein the Supreme Court held that despite publicity that was much more pervasive than has been shown in this case, a fair and impartial grand jury could be seated in that case.

In this case, the Court has already issued its order regarding defense motion D-11 which denied, without prejudice, a motion to change venue based upon prejudicial pretrial publicity. For the same reasons stated in its order dated January 29, 2019, denying D-11, the Court does not find that the defense has established massive and pervasive publicity that is so prejudicial to the defendant that a fair and unbiased grand jury could not be selected. The Court has already ruled that probable cause existed to support the indictment handed down by the grand jury. The prosecution has had the grand jury transcripts since November 22, 2017 and should have provided the transcripts (absent colloquy) to the defense as part of discovery over one year ago. The defense has not cited anything in the transcripts that would indicate a biased grand jury. The Court reviewed the grand jury transcripts, including colloquy, and did not find any irregularities or any indication that the grand jury was biased in any manner.

The Court does not find that the defense has met its burden of proving that publicity surrounding this case kept a fair and unbiased grand jury from considering the evidence presented to it and denies the motion to dismiss the indictment based upon pretrial publicity.

Issue Date: 2/20/2019



JEFFREY RAYMOND WILSON
District Court Judge