

DISTRICT COURT, LA PLATA COUNTY, COLORADO	
Court Address: 1060 East 2nd Avenue, Room 106, Durango, CO, 81301-5157	DATE FILED: September 9, 2017 9:45 AM
The People of the State of Colorado v. MARK ALLEN REDWINE	
	△ COURT USE ONLY △
	Case Number: 2017CR343 Division: 1 Courtroom:
Order Regarding Initial Defense Motions	

The defense has filed several preliminary motions in this case. After reviewing the motions, any response thereto, as well as the oral arguments that were made on September 8, 2017, the Court rules as follows:

D-1 Motion to preserve, protect, and discover all evidence. The Court has no reason to believe that the prosecution will violate CRCrimP 16 and will issue no orders upon this motion with the exception that the DA shall give written notice to law enforcement to preserve all notes, whether handwritten, dictated or typed.

D-2 Invocation of rights. D-2 is not a motion, it is simply a written notice that the defendant intends to exercise his rights. The Court will issue no orders regarding D-2.

D-3 Objection to law enforcement contact with Mr. Redwine for any case-related purpose including, but not limited to the taking of any non-testimonial evidence. The Court has no reason to believe that law enforcement or the District Attorney's office will violate Mr. Redwine's constitutional or statutory rights and will not issue any orders to require the prosecution and law enforcement to act in a manner that they are already required to conduct themselves. Any CRCrimP 41.1 motion will follow the requirements of 41.1 and the Court will add no requirements thereto.

D-4 Motion for protective orders. The Court orders that the La Plata County Jail shall not allow the media to have contact with Mr. Redwine, unless Mr. Redwine consents to such media contact. Mr. Redwine can exercise his first amendment rights as he sees fit, even if such exercise is against his counsel's wishes. If any jail informants are endorsed to provide evidence against Mr. Redwine, the Court will hear any appropriate motions that are filed. There currently is no controversy regarding jail informants that the Court can resolve.

D-5 Motion to limit dissemination of information to protect Mr. Redwine's right to a fair trial and impartial jury. This motion is moot as the Court has already issued an order in this regard.

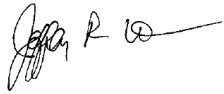
D-6 Motion to prohibit consumptive testing without notice to the defense. The Court orders that if the prosecution conducts consumptive testing of any evidence, the defendant shall first be given a minimum of 14 days notice prior to the consumptive testing and allow expert(s) of the defendant's choosing to observe such testing.

D-7 Motion to allow confidential defense experts to be present for scientific testing of evidence. So long as separate sample of evidence is preserved for defense testing, there is no statutory or constitutional reason to require defense experts be present during scientific testing. The motion is denied.

D-8 Objection to expanded media Coverage. This objection is moot.

D-9 Motion for order protecting accused's right to remain silent and right to counsel. This motion is requesting that the Court order the prosecution to follow both the state and federal constitutions as well as comply with the Colorado Rules of Professional Conduct. The Court has no reason to believe that prosecutor will violate the defendant's constitutional rights or the rules of professional conduct. The motion is denied.

Issue Date: 9/9/2017

A handwritten signature in black ink, appearing to read "Jeffrey R. Wilson", with a long horizontal flourish extending to the right.

JEFFREY RAYMOND WILSON
District Court Judge