

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	DATE FILED: June 4, 2019
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
	Case Number: 17CR343
ORDER REGARDING THE DEFENDANT’S MOTION FOR REHEARING ON PROSECUTION’S MOTION TO INTRODUCE PURPORTED EVIDENCE OF “SINGULAR OTHER ACT” (D-118)	

The defendant has filed a motion for rehearing upon the Court’s order issued on January 29, 2019, apparently seeking additional argument and testimony as to whether to allow the prosecution to present evidence that the alleged murder victim in this case intended to confront his father, the defendant, with compromising photographs that Dylan found on his father’s computer, as well as evidence that the defendant reacted angrily to being confronted by two women about the photographs soon after Dylan’s remains were found. See the Court’s Suppressed Order Regarding the Prosecution’s Notice of Intent to Present Evidence of Singular Other Act Pursuant to C.R.E. Rule 404(b) (P-8).

In its motion, the defense argues that at the hearing held on the matter “The Court permitted roughly 15 minutes of argument from Defense Counsel on this issue, no testimony was taken or submitted at the hearing on this issue.” Paragraph 15 of D-118, motion for rehearing on prosecution’s motion to introduce purported evidence of “singular other act.”

Defense counsel’s recollection of the hearing is less than accurate.

The Court has reviewed the rough Realtime transcript of the hearing on P-8. Defense counsel called Investigator Goldbricht to testify and according to the time stamps on the rough transcript, Investigator Goldbricht testified for approximately 40 minutes on direct and redirect examination, as well as 8 minutes of cross-examination. At the conclusion of Investigator Goldbricht's testimony, defense counsel informed the Court it had no additional evidence. While the Court did limit defense counsel to a 15-minute argument upon the issue, in addition to the written objection counsel had already filed, counsel did not use the entire 15 minutes allotted to make his argument.

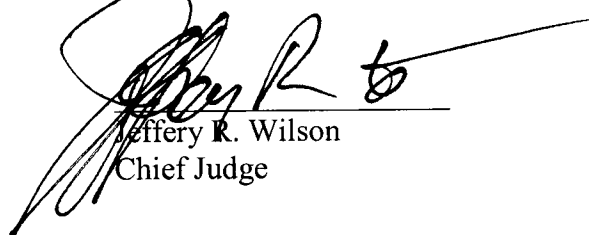
Counsel should have been aware of the prosecution's intent to introduce the evidence that is the subject of P-8, as the statement of probable cause in the indictment of the defendant specifically recites the information that is the subject of P-8, including Corey Redwine's statements that Dylan intended to confront his father regarding the compromising photographs during the visit with his father during which Dylan disappeared; the violent reaction the defendant exhibited when confronted by two women about the contents of those photographs; that Dylan's skull had been fractured; and, that forensic anthropologists had examined Dylan's skull. Defense counsel entered their appearance in this case on August 15, 2017, more than one year prior to the motions hearing on P-8. The Court granted the defense numerous continuances to allow them to become familiar with the discovery in this case, including the discovery relating to the evidence concerning P-8. With the exception of discussing the opinions of the forensic anthropologists, this motion for rehearing is essentially the same objection that was filed on September 20, 2018. See [D-46] Objection to the Admission of 404(B) Evidence, Testimony from Denise Hess (Now Deceased) and/or Kathy Berri and Request for a Hearing. The defense

has not presented any arguments that they did not present or could not have presented in or during the motions hearings on this issue held in December of 2018.

The defense Motion for Re-Hearing on Prosecution's Motion to Introduce Purported Evidence of "Singular Other Act" (D-118) is denied.

DONE this 4th day of June, 2019.

BY THE COURT:



Jeffery R. Wilson
Chief Judge