

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	DATE FILED: October 24, 2020
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
	Case Number: 17CR343
ORDER REGARDING THE DEFENDANT'S MOTION IN LIMINE FOR JAILHOUSE INFORMANT RELIABILITY HEARING	

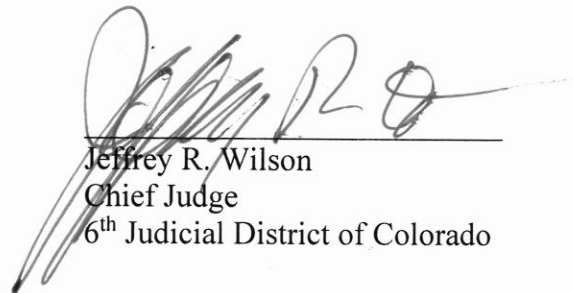
The defendant has filed D-174, a motion in limine asking the Court to conduct a hearing outside the presence of the jury to determine if jailhouse informants the prosecution intends to call as witnesses possess sufficient indicia of reliability to allow them to be called in this case, and if the Court makes such a finding, that a contemporaneous and final jury instruction be given to the jury requiring the jury to be cautious in relying on such testimony.

Initially, the Court notes that the motions deadline in this case expired long ago and the defendant has not presented any reason the Court should entertain this motion which was filed eight days before the start of the trial. Additionally, the defendant has not presented any controlling statute, rule, or authority requiring or even authorizing the Court to grant the defendant's request. It has been the Court's experience that jailhouse informants regularly come forward to offer the prosecutors in high-profile cases information in return for consideration of how their case will be prosecuted. These witnesses are generally cross-examined vigorously and effectively regarding their motivations for testifying. The Court believes that such cross-

examination is the best method for the jury to ascertain the veracity they should assign to any witness in this case. The Court will give the jury an instruction that the jury is the sole judge of the credibility of the witnesses. The Court believes it is inappropriate and unwise to substitute its judgment for that of a twelve-person jury by holding a veracity hearing or by giving a contemporaneous jury instruction when the informants testify.

The Court notes that the proposed instruction was not attached to D-174. The Court will consider giving the instruction with the Court's final jury instructions at the close of the evidence if it is requested to do so. With that exception, D-174 is denied.

Done and signed this ^{24th} day of October, 2020.



Jeffrey R. Wilson
Chief Judge
6th Judicial District of Colorado