

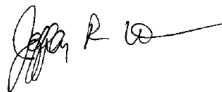
DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 East 2nd Avenue, Room 106, Durango, CO, 81301-5157	DATE FILED: February 26, 2019
The People of the State of Colorado v. MARK ALLEN REDWINE	<p style="text-align: center;"><b>△ COURT USE ONLY △</b></p> Case Number: 2017CR343 Division: 1                      Courtroom:
<b>Order Regarding the Motion to Release Physical Evidence for Independent Defense Examination and Testing (D-45)</b>	

The defense has filed a motion to release specific evidence for independent and unsupervised testing. At the motions hearing held during the week of December 10, 2018, the defense made clear that they are seeking to have entire items of evidence released for independent testing, not samples of each item. While the defense is certainly entitled to the independent testing of evidence, the defense is only entitled to representative samples of such evidence, not the entire piece of evidence. The defense has not provided, and the Court could not find, any authority for their request that entire items of evidence be released.

Providing entire items of evidence to the defense for independent testing will cause several practical problems for the prosecution without materially aiding the defense. The prosecution has the burden of proof in this case and the Court expects that much of the evidence requested will be introduced at the defendant's trial. The Court finds the request for entire items of evidence to be unduly burdensome for the prosecution. The Court has already issued orders regarding items that are so small that the initial testing of those items of evidence will consume the entire item of evidence.

For the foregoing reasons, the Court denies the defense request to have entire items of evidence provided to them for independent analysis. However, the Court does order that the defense and any expert of the defense's choosing may examine entire items of evidence under the supervision of the Colorado Bureau of Investigation or any other agency holding such evidence. To the extent that representative samples are not sufficient for defense expert analysis, the Court orders that defense experts may photograph or test such evidence under the supervision of the Colorado Bureau of Investigation or any other agency holding such evidence.

Issue Date: 2/26/2019



JEFFREY RAYMOND WILSON  
 District Court Judge