

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	DATE FILED: January 22, 2019
Plaintiff:       PEOPLE OF THE STATE OF COLORADO v. Defendant:     MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
	Case Number: 17CR343
<b>ORDER REGARDING THE PEOPLE'S NOTICE TO INTRODUCE STATEMENTS          PURSUANT TO CRE 807 (P-4)</b>	

The defendant is charged with murder in the second degree and child abuse resulting in death in relation to the death of the defendant's thirteen-year-old son, Dylan. On June 28, 2018, the prosecution filed a notice to introduce statements made by Dylan prior to his disappearance pursuant to CRE 807 which is commonly referred to as the residual hearsay rule. The defendant has not filed a response to the motion. In order for the parties to have a better idea as to what evidence is admissible, to increase the efficiency in the presentation of evidence, and to help the Court make better evidentiary rulings during the trial, the Court would like to make a preliminary ruling upon the admissibility of such evidence and reserve a final ruling after the Court has begun to hear evidence in the case.

According to the prosecution's notice, the prosecution seeks to introduce statements Dylan made to and concerning:

1. His mother, Elaine Redwine, that he did not wish to go see his father for the Thanksgiving 2012 visit, as well as the text messages Dylan sent her around the time of Dylan's flight to Durango;

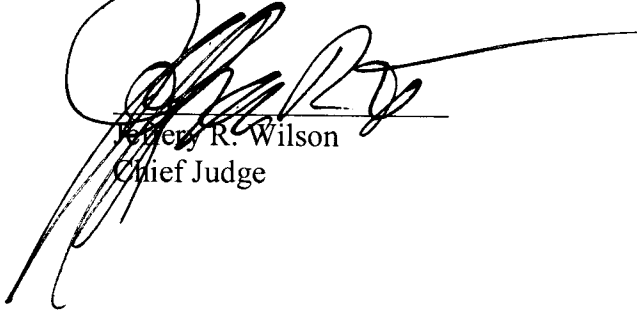
2. His mother's attorney, Amber Harrison, that he did not wish to visit his father prior to Thanksgiving 2012 because he was uncomfortable with visiting his father after he had seen compromising photographs of his father;
3. Judge Dickinson during an on-the-record in-camera interview during divorce proceedings without either parent or their attorneys being present;
4. His friends regarding his relationship with his father and his reluctance to visit his father for Thanksgiving;
5. His older brother, Cory, regarding Dylan being aware of and having seen compromising photographs of his father, and Dylan's request that Cory send Dylan a copy of the photographs so that Dylan could confront his father with the photographs; and,
6. Electronic communications Dylan made over his phone and iPod prior to his disappearance.

Instead of specifically identifying the grand jury exhibits and testimony that the prosecution is relying upon as its offer of proof in this notice, the prosecution simply states in paragraph 21 of its notice that it is incorporating the entire record of the grand jury in this case as its offer of proof. Prior to making a preliminary ruling in this case, the Court needs to review the grand jury evidence that specifically deals with the six types of statements listed above. The Court declines to spend multiple hours combing through the massive grand jury record to find all the evidence the prosecution intends to rely upon as its offer of proof. The prosecution, in its holding of grand jury proceedings and its preparation for trial in this case, should already be aware of the location in the grand jury record of evidence that it wishes to use as its offer of proof. If the prosecution wishes the Court to issue a preliminary ruling regarding the use of Dylan's pre-disappearance statements at the trial in this case, the prosecution shall file a notice

informing the Court as to the exact portions of the grand jury record it is relying upon in its offer of proof.

DONE this 22<sup>nd</sup> day of January, 2019.

BY THE COURT:



Jeremy R. Wilson  
Chief Judge