

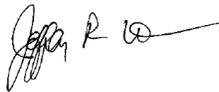
DISTRICT COURT, LA PLATA COUNTY, COLORADO		DATE FILED: March 8, 2020 12:17 PM
Court Address: 1060 EAST 2ND AVENUE, ROOM 106, DURANGO, CO, 81301-5157		
THE PEOPLE OF THE STATE OF COLORADO		<p style="text-align: center;">△ COURT USE ONLY △</p>
v. <b>Defendant(s)</b> MARK ALLEN REDWINE		
		Case Number: 2017CR343
		Division: 1                      Courtroom:
<b>Order Regarding the Prosecutions Motion for Jury View (P-36)</b>		

The Court has reviewed the prosecution's proposal regarding the jury view of certain locations that the prosecution alleges are related to this case. The Court notes that because of the remoteness and elevation of the two locations where Dylan's remains were found, it is not possible to definitively know that La Plata County will be able to clear the road of snow in time for the jury view. It is also unknown whether any of the jurors chosen in this case will have any restrictions on their ability to travel to these three remote locations due to their health and ages when considering the time involved to travel to and from the scenes and the elevation of the scenes. The prosecution anticipates that it will take 1 hour and 45 minutes if road and weather conditions only allow the jury to view the defendant's former home from the road in front of the house and return to the courthouse. If the weather and road conditions allow the jury to view both the defendant's former home and one of the locations where Dylan's remains were found, the prosecution estimates it will take 3 hours and 15 minutes to travel to the sites and return to the Courthouse. If the second location where Dylan's remains were found is added to the trip the prosecution estimates that the entire scene view will take 4:45 minutes. The Court has granted scene views in two previous homicide cases and believes that the time estimates provided by the DA are somewhat optimistic.

The Court does not find that the proposed scene view will significantly aid the jury in determining the facts of the case, particularly when the prosecution can provide testimony, maps, photographs and video of the locations, their proximity to one another, the steepness and rugged nature of the terrain and the elevation of each location. Considering CRE 403, the Court finds that the probative value of the evidence gained by the proposed scene view is substantially outweighed by the cumulative nature of such evidence. The Court finds that the amount of time that the proposed scene view will take away from the courtroom would be much better spent taking testimony and introducing exhibits.

For the foregoing reasons, the Prosecution's Motion for Jury View (P-36) is denied.

Issue Date: 3/8/2020



JEFFREY RAYMOND WILSON  
District Court Judge