

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	DATE FILED: November 16, 2020 10:56 AM
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
	Case Number: 17CR343
ORDER UPON THE PROSECUTION’S MOTION IN LIMINE TO PROHIBIT THE DEFENSE FROM PRESENTING EVIDENCE RELATING TO THE WHITE VAN [P-45]	

In prosecution motion P-45, the prosecution seeks to prohibit the defense from presenting evidence concerning the bad character of prosecution witnesses, the good character of the defendant, and evidence that three individuals may have seen Dylan Redwine on the morning of November 19, 2012, which would contradict the prosecution’s theory of the case.

Character Evidence

Regarding character evidence, based upon motion P-45 and the response thereto, it appears that such evidence is improper pursuant to CRE 404. However, the Court notes that evidence that the defendant loved Dylan is not character evidence. Love is an emotion, not a character trait. As stated below, the Court is scheduling a hearing regarding evidence that Dylan may have been observed the morning of November 19, 2012, in contradiction of the prosecution’s theory of the case. The Court will entertain arguments from both sides as to the admissibility of the proposed character evidence and the evidence that the defendant loved Dylan.

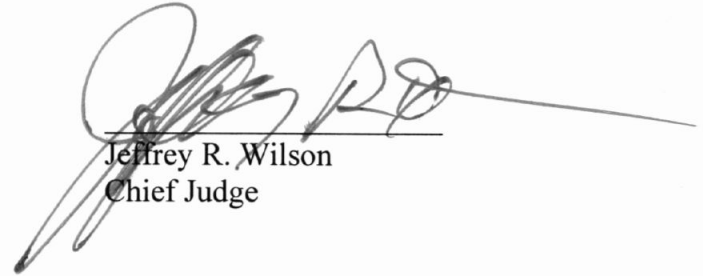
Evidence of Potential Sightings of Dylan Redwine the Morning of November 19, 2012

The Court has previously denied defense motion D-126 to allow evidence of alternative suspects which would have consisted of testimony from Starla Johnson and James Adcock that on November 19, 2012, they saw Kent Wilson driving a white van with a young white male wearing a ball cap with curly blond hair sitting in the passenger seat at 7:00 AM or 8:00 AM on November 19, 2012. See the Court's Order Regarding the Defendant's Motion in Limine to Introduce Evidence of an Alternative Suspect (D-126). While it is not clear to the Court, based upon the allegations in P-45 and the response thereto, it appears that the defense may wish to introduce alternative suspect evidence that has already been prohibited by the Court by simply deleting the identity of the suspect. However, without an offer of proof or testimony in this regard, the Court cannot make that finding as to the proposed testimony of Starla Johnson and James Adcock. Additionally, P-45 seeks to have the Court prohibit the testimony of postal carrier Angela Lee who informed law enforcement that she saw Dylan in the Vallecito area after he was reported missing. While the Court's memory may be incorrect, due to the numerous orders the Court has issued over the past three years, the Court does not believe it has issued any orders regarding Angela Lee. Motion P-45 and the response thereto is the first time the Court remembers learning that Angela Lee also observed a white van that contained an individual who may have matched Dylan's description.

Prior to issuing any ruling, the Court needs more information as to what the defense seeks to introduce regarding the "white van" evidence. If the evidence sought to be admitted is simply alternative suspect evidence without identifying the alternative suspect, the Court will grant the prosecution motion (P-45). However, if the evidence that is sought to be introduced simply contradicts the prosecution's theory of the case, a different analysis is required. The Court

therefore orders that at the status conference on January 5, 2021, the Court will set an in-person hearing on this issue at which the parties can either present offers of proof or evidence as to what is sought to be introduced.

Done this 16th day of November, 2020.



Jeffrey R. Wilson
Chief Judge