

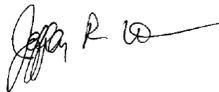
DISTRICT COURT, LA PLATA COUNTY, COLORADO		DATE FILED: April 30, 2021 2:27 PM
Court Address: 1060 EAST 2ND AVENUE, ROOM 106, DURANGO, CO, 81301-5157		
THE PEOPLE OF THE STATE OF COLORADO		<p style="text-align: center;">△ COURT USE ONLY △</p>
v. Defendant(s) MARK ALLEN REDWINE		
		Case Number: 2017CR343
		Division: 1                      Courtroom:
<b>Order Regarding the Defense Motion for Sanctions and Demand for Discovery for Any and All Materials Regarding Prosecution Witnesses Surveilling Defense Counsel D-188</b>		

On November 9, 2020, this Court held a hearing to determine if a mistrial should be declared in the trial of Mr. Redwine due to the notification from defense counsel that the defense team were experiencing symptoms consistent with COVID-19. During the hearing, the lead prosecutor in this case, Mr. Champagne, stated on the record that one of Mr. Redwine's attorneys, Mr. Moran, was seen without wearing a mask, cleaning out his car while within six feet of another individual who also was not wearing a mask. Defense counsel has now filed a motion requesting sanctions against the prosecution and that the Court order disclosure of the identities of individuals and the statements of the persons who were "surveilling [Mr. Redwine's] lawyers." D-188, para 24.

Initially, the Court notes that one of the drawbacks of living in a small community is the lack of anonymity. The undersigned judge is frequently surprised to hear about details of his private life (including knowledge as to the locations of the judge's and his children's private residences) that are known by members of the public, many of whom the Court does not personally know. The simple report that Mr. Moran was observed and did not appear to be suffering from COVID-19 symptoms is not evidence that any ongoing or organized surveillance of defense counsel was being conducted. Several years ago, the undersigned judge became aware of the location of Mr. Moran's residence due to a brief interaction between the judge's wife and Mr. Moran. The Court does not see any qualitative difference between that interaction and the report received by the prosecution. Additionally, any such information that may have been relayed to the prosecution in this case has no relevance to the alleged offense for which Mr. Redwine is being tried. Such information is not subject to disclosure pursuant to C. R. Crim. P. 16 and the Court is not aware of any rule or statute that gives the Court the authority to order such disclosure over the objection of the prosecution.

The Motion for Sanctions and Demand for Discovery for Any and All Materials Regarding Prosecution Witnesses Surveilling Defense Counsel, D-188, is therefore denied.

Issue Date: 4/30/2021



JEFFREY RAYMOND WILSON  
District Court Judge