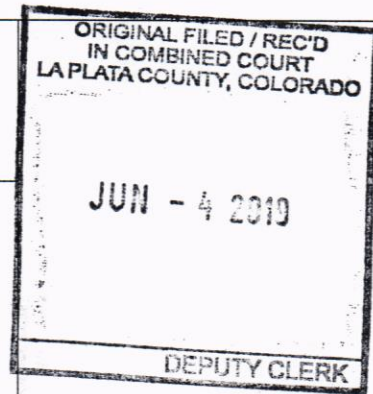


DISTRICT COURT, LA PLATA COUNTY, COLORADO
Court Address: 1060 E. Second Ave., Durango, CO 81301
Phone Number: (970) 247-2304



Plaintiff: PEOPLE OF THE STATE OF COLORADO

v.

Defendant: MARK ALLEN REDWINE

▲ COURT USE ONLY ▲

Christian Champagne - District Attorney, #36833
Matthew Durkin, Special Deputy District Attorney, #28615
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Case Number: **17 CR 343**

**PEOPLE'S RESPONSE TO [D-117]:
DEFENDANT'S MOTION FOR RELIEF DUE TO THE STATE'S
DESTRUCTION AND ALTERATION OF PHYSICAL EVIDENCE
[PUBLIC ACCESS]**

NOW COME the People, by and through Christian Champagne, District Attorney, in the County of La Plata, and requests that this honorable Court deny the Defendant's Motion for Relief Due to the State's Destruction and Alteration of Physical Evidence [D-117]. AS GROUNDS for this motion, the People state as follows:

Offer of Proof

1. On November 18 – 19, 2012, Dylan Redwine was murdered. On November 18, 2012, Dylan Redwine arrived in Durango, for a court ordered visit with the defendant. Video surveillance showed that the defendant and Dylan Redwine stopped at several locations in the Durango area before they drove to the defendant's home near Vallecito Reservoir. Phone records also show that path of travel and communication from Dylan to several others until later that evening. These are the last images and communication from Dylan Redwine.
2. On November 19, 2012, the defendant reported Dylan Redwine missing, which started search and rescue operation that lasted for weeks.
3. By June 2013, Dylan Redwine had still not been found or recovered. Between June 22 – 24, 2013, the La Plata County Sheriff's Office conducted a massive search of Middle Mountain and recovered several human bones including a right and left femur, right clavicle, right tibia,

and some toes in coyote scat. On June 27, 2013, several of the bones were identified by DNA testing as being Dylan Redwine. (Bates 1823 – 1825) Until the testing was completed, there had been no trace of Dylan Redwine since November 18, 2012.

4. On September 25, 2013, the bones were examined by Dr. Dawn Mulhern, Coroner Jann Smith and Dr. Robert Kurtzman. The bones were handled carefully and displayed signs of animal marks and DNA testing. No chemical or forensic sampling or testing was done at this time. (Bates 714)
5. On October 25, 2013, Dr. Dawn Mulhern, Forensic Anthropologist at Ft. Lewis College, examined the remains. She documented her findings that the bones were consistent with a young adult and showed signs of animal scavenging activity. No chemical or forensic sampling or testing was done at this time. (Bates 2756 – 2761)
6. In April 2014, Dr. Diane France, Forensic Anthropologist, reviewed the remains at the Arapahoe County Coroner's Office, and documented similar findings. No chemical or forensic sampling or testing was done at this time. (Bates 2797 - 2799)
7. On July 14, 2014, a right scapula was found near the first recovery site and was examined by Dr. Dawn Mulhern. On July 30, 2104, Dr. Mulhern documented her findings that it was consistent with a young adult and showed signs of animal activity. No chemical or forensic sampling or testing was done at this time. (Bates 2744 – 2755)
8. In November 2015, three years and many winter and summer seasons after Dylan Redwine's murder, a cranium was found further up Middle Mountain Road from the original recovery site in 2013 – 2014. Upon recovery, the cranium was examined at the Arapahoe County Coroner's Office by Dr. Diane France. As part of her examination, she noted its original state, gently washed the cranium, further examined the cranium, noted signs of animal activity, a fracture consistent with perimortem trauma, and two sharp injuries on the root of the right zygomatic. Dr. France also reported that two forensic pathologists that were present agreed with the assessment of the two sharp marks. (See Figure 1)

Figure 1: 2015 Photograph of two sharp injuries to zygomatic