

DISTRICT COURT, LA PLATA COUNTY, COLORADO Court Address: 1060 E. Second Ave., Durango, CO 81301 Phone Number: (970) 247-2304	DATE FILED: April 29, 2020
Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: MARK ALLEN REDWINE	▲ COURT USE ONLY ▲
PUBLIC ACCESS COPY	Case Number: 17CR343
Redacted Order Regarding the Defendant's Motion to Reconsider Colo. R. Crim. P. 24 Statement of the Case Ruling and Submssion [sic.] of Defense Proposed Statement of the Case (D-154)	

The defendant has filed a Motion to Reconsider Colo. R. Crim. P. 24 Statement of the Case Ruling and Submssion [sic.] of Defense Proposed Statement of the Case (D-154), requesting that the Court allow the defense to inform the jury pool through the defense statement of the case that part of the evidence in this case will consist of “. . . photographs depicting Mark Redwine’s

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.” Exhibit 1 attached to the Defendant’s Motion to Reconsider. The prosecution has not responded to the motion.

After considering the defendant’s arguments, the Court will partially grant the motion. The Court generally does not allow attorneys to use specific facts from the case being tried during voir dire. The Court has observed that some attorneys will disclose specific facts from the case being tried to try and get potential jurors to state during voir dire that they are more likely to convict the defendant because of the specific facts that had just been revealed. It is a waste of time and very confusing to the potential jurors. However, in this case, the Court agrees

that the photographs that the prosecution will attempt to introduce into evidence may shock the sensibilities of some of the jurors and it is important to make sure potential jurors will only use the photographs for the purposes for which they may be admitted. The Court will therefore allow the defense to inform potential jurors during individual voir dire that the picture referred to in Question 3 of the questionnaire depicts the defendant's

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Defense counsel may then ask if

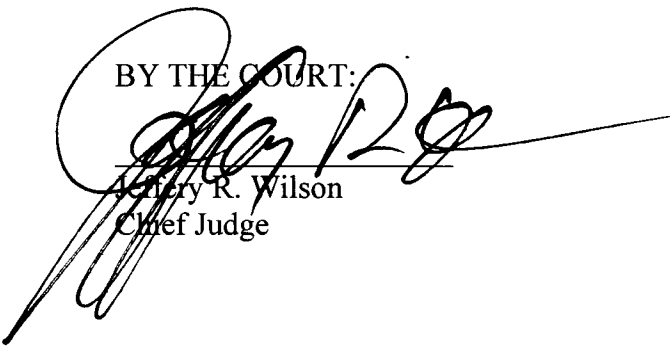
observing photographs of that nature would change their answer to Question 3.

Because the Court believes it will take a minimum of four days to pick the jury in this case and because of the extensive publicity the trial of this case is expected to receive, this question shall only be asked during individual voir dire while the Court can better control the conversation. The Court will proceed in this manner to prevent adverse publicity surrounding this issue from tainting those members of the jury pool who have not yet been questioned individually.

The Court directs the defense to prepare a new statement of the case to be read to prospective jurors at the beginning of the voir dire process that deletes mention of how the defendant is depicted in the photographs.

DONE this 21st day of April, 2020.

BY THE COURT:


Jeffrey R. Wilson
Chief Judge