

DISTRICT Court, LA PLATA County, Colorado 1060 E 2 nd Ave, Durango, CO	<div style="border: 2px solid black; padding: 5px; text-align: center;"> ORIGINAL FILED / REC'D IN COMBINED COURT LA PLATA COUNTY, COLORADO MAY 13 2019 <input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> DEPUTY CLERK </div>
<u>THE PEOPLE OF THE STATE OF COLORADO,</u> <u>Plaintiff,</u> <u>v.</u> <u>MARK REDWINE,</u> <u>Defendant</u>	
MEGAN RING, COLORADO STATE PUBLIC DEFENDER JOHN MORAN, ATTORNEY NO. 36019 JUSTIN BOGAN, ATTORNEY NO. 33827 DEPUTY PUBLIC DEFENDER 175 MERCADO STREET, SUITE 250, DURANGO, CO 81301 PHONE: (970) 247-9284 FAX: (970) 259-6497 E-MAIL: JUSTIN.BOGAN@COLORADODEFENDERS.US EMAIL: JOHN.MORAN@COLORADODEFENDERS.US	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> DEPUTY CLERK 17CR343 DIVISION ONE
D-119 RENEWED OBJECTION TO THE ADMISSION OF DYLAN REDWINE'S HEARSAY STATEMENTS. PUBLIC ACCESS	

Mark Redwine, by and through counsel, reaffirms his objection to any and all statements attributed to Dylan Redwine that the Prosecution seeks to introduce at trial. He makes this objection pursuant to CRE 807, 801, 802, 803, 804, 401, 402, 403, 404, 405, the Sixth Amendment to Constitution of the United States, and Article II sections 16-25 of the Colorado Constitution.

1. The Prosecution declares in paragraph 10 of P-20 that "they will introduce any and all relevant non-testimonial statements made by Dylan Redwine that appear in discovery." This shotgun approach is not proper notice and makes it impossible for Mr. Redwine to prepare for trial if said statements are admitted. CRE 807.
2. The Prosecution in both P-4, and its supplement P-20, refer to CRE 807 and its notice requirement, but they leave out an important part of the rule that cuts straight to Mr. Redwine's confrontation rights. The Prosecution states in paragraph 10 of P-4 "Finally, the rule goes on to state that statements sought to be introduced pursuant to CRE 807 may not be admitted unless the proponent, in this case the People, advises the defendant sufficiently in advance of trial so the defense can prepare for it and the actual statements themselves." Id.
3. CRE 807 requires more from the proponent of the statements than advising "the defendant sufficiently in advance of trial" as the Prosecution asserts. CRE 807 specifically states:

However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention *to offer the statement and the particulars of it*, including the name and address of the declarant.

Id. Emphasis added.

4. The operative definition of “particular” as it appears in CRE 807 is defined as, “a specific item or detail of information —usually used in plural” See Meriam Webster Dictionary.

5. The Prosecution did not offer many specific statements, much less particulars of specific statements in their pleadings. See P-4 paragraph 20 and P-20 paragraph 11. Quite the contrary, the Prosecution has only offered paraphrased summaries of a large number of the statements they seek to introduce. Because the Prosecution has failed to provide proper notice to Mr. Redwine, the Court should outright deny P-4 and paragraph 11 of P-20.

6. In P-20 the Prosecution offers thirteen more groups of statements they want to introduce. Those statements are all derived from statements given to law enforcement from witnesses who claim Dylan made the statements. Some purported statements come from text messages attributed to Dylan Redwine. The Exhibits containing the statements purportedly made by Dylan to his friends, a judge, a lawyer a counselor and family are, but for a handful of short direct quotes, conclusory summaries and paraphrases that offer the Court little to no information about the nature and character of the statements proffered.

7. The two statements offered in P-20 Exhibit 3 are not admissible. The statements are, “[Joe] Ceballos said Dylan had confided in him that he (Dylan) did not like his dad (Mark Redwine). Dylan often talked about his brother and mother very highly. Ceballos said Dylan told him that Mark used to beat him and he was mean.”

8. “Dylan did not like his dad” is not a statement from Dylan. It is a statement from Joe Ceballos. Further, the content of the statement is irrelevant. CRE 401, 402 403. The second statement ‘Mark used to beat him and he was mean,’ is a statement by Joe Ceballos as well, and is impermissible character evidence. CRE 404. Further, Joe Ceballos is bias and his credibility is suspect, in that he told law enforcement he wished he was older so he could help convict Mark Redwine. Id. Neither statement is evidence of material fact, and the purposes of justice will not be served by permitting their admission. People v. Fuller, 788 P.2d 741 (Colo.1990). Even if the statement is admissible under CRE 807, it is still subject to a CRE 404 analysis.

9. The statements offered in P-20 Exhibit 4 are not admissible. The statements and observations and opinions of Dylan’s friend Harvey Adams are:

Harvey said Dylan did not say much about going to Bayfield except that he was going to hang out with his friends. Dylan made no mention about his father, Mark Redwine.

Harvey said Dylan made it sound like he was only going to be hanging out with his friends. Harvey said Ceballos asked Dylan why he was going to his dad's for Thanksgiving, and Dylan said he had to go. *Harvey got the impression* that he did not want to go.