

DISTRICT Court, LA PLATA County, Colorado 1060 E 2 nd Ave, Durango, CO	DATE FILED: May 3, 2019 5:16 PM FILING ID: D042BF4947755 CASE NUMBER: 2017CR343 COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. MARK REDWINE, Defendant	
Megan Ring, Colorado State Public Defender Justin Bogan #33827 John Moran #36019 Deputy Public Defender 175 Mercado Street, Suite 250 Durango, Colorado 81301	Case No. 17CR343 Division : 1
REPLY TO PROSECUTION'S RESPONSE TO D-111 PUBLIC ACCESS	

1. As the prosecution concedes in paragraph one of their motion, the attorneys for the prosecution were not invited by defense counsel to defense counsel's investigation and attempt to view physical evidence on March 20, 2019. The elected District Attorney was invited by Captain Ezzell, without the consent of defense counsel and without the Captain even providing notice to defense counsel. Over the course of this case the prosecution has collected, viewed, transported, and discussed physical evidence with law enforcement and their experts – defense counsel has not been invited by the prosecution nor law enforcement to any of those events.

2. Mr. Champagne's comparison of Mr. Bogan to a dog that "barked" in Mr. Champagne's face is patently false, offensive and a view into the prosecution's efforts to weaponize it's presence during defense counsel's investigation.

3. Mr. Champagne's statement about the color of Mr. Bogan's skin illustrates why he should not be in the room and impeding defense counsel's investigation.

4. Mr. Champagne has impeded defense counsel's investigation interfering with Mr. Redwine's right to present a defense.

THE PARTIAL CRANIUM

5. The prosecution avers, and the defense does not contest, that the partial cranium in this matter is a sensitive and precious piece of evidence.

6. Defense Counsel will approach it as such notwithstanding the treatment it has received in the hands of the state.

7. All the prosecution's experts who have examined the partial cranium have taken notice of the abundant evidence of damage caused to the cranium by animals. The partial cranium therefore is exculpatory evidence favorable to the Defendant in this matter.

8. After the partial cranium was discovered, it was transported to Headquarters of the La Plata County Sheriff's Department to be photographed. The next day, it was transported to Dr. Mulhern's office at Fort Lewis College for examination. Three days after that it was checked into evidence at the La Plata County Sheriff's Department. The day after, it was then transported to Colorado Bureau of Investigation (hereinafter "CBI"). CBI refused to accept the partial cranium apparently based on sloppy record-keeping by La Plata County Sheriff's Department and it was returned to the Sheriff the next day. Seven days after that it was transported to Ft. Collins, Colorado to Dr. France's office. It was transported back to the La Plata County Sheriff's Department the next day. Four days after that, it was transported back to Ft. Collins to Dr. France. Two days later it was transported back to the Sheriff's Department. Six days after that, it was again transported to Ft. Collins, where Dr. France then tried, and failed, to make a cast and mold of the cranium. Captain Ezzell then transported the cranium from Ft. Collins to Ft. Worth Texas - this took three days - where he delivered it to University of North Texas Center for Human Identification ("UNTCHI"). The cranium remained with UNTCHI for almost six months. The team at UNTCHI cut a 2 ½ inch x 1 ½ inch rectangle out of the cranium and pulverized it for DNA testing. See Exhibit A. Captain Ezzell picked up the cranium and transported it back to the Sheriff's Department almost six months after he dropped it off. The same day it was returned, Investigator Golbricht released it to Dr. Mulhern at Fort Lewis College. The cranium was returned to Investigator Golbricht a week later. Investigator Gabbard then hand delivered the cranium to the Federal Bureau of Investigation in Quantico, Virginia, seven months later. The cranium was accepted back into evidence three months after the F.B.I. took possession of it though Investigator Golbricht had concerns about how it was packaged and shipped. Roughly six months after that, the cranium was examined by prosecution endorsed expert Dr. Kurtzman at the Colorado Mesa University Forensic Investigation Research Station while Captain Ezzell observed.