

DISTRICT COURT, LA PLATA COUNTY, COLORADO 1060 East Second Avenue Durango, Colorado 81301	JUN 18 2019 _____ DEPUTY CLERK σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. MARK REDWINE, Defendant	
Douglas K. Wilson, 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	Case Number: 17CR343 Division: 1
[D128] RESPONSE AND OBJECTION TO PROSECUTION VIOLATION OF COURT ORDERS, DELAY TACTICS AND "MOTION REGARDING INSUFFICIENT DEFENSE EXPERT DISCLOSURES" [PUBLIC ACCESS]	

1. This issue was previously addressed at the April 25, 2019 status conference.
2. Mr. Champagne et. al., was specifically ordered to provide a written pleading documenting, "[a]ny disputes concerning the disclosures made in regard to...the defense expert regarding dog sniff evidence . . . on or before May 5, 2019." C-32 Order After Status Conference (April 26, 2019). That order was issued after the following exchange occurring at the April 25, 2019 status hearing:

THE COURT: So what were you going to say, Mr. Johnson?

MR. JOHNSON: I was gonna say I understand what counsel is saying, but I respectfully disagree that the actual opinions of Dr. Ha are in that summary. Certainly, the topics that he's gonna touch on are in that summary, but we don't have information as to what materials he's reviewed, and if he's reviewed them, what his opinions are on those materials. So that's the nature of the report that I'm requesting. With regard to Ms. Corcoran –

THE COURT: Hold on, hold on, let me keep my thoughts in order, too. **File a written motion on that**, then, also, and I'll –

MR. JOHNSON: Yes, Judge.

THE COURT: -- and I want a response within a week. Okay, Mr. Moran?

MR. MORAN: Sure.

Transcript Status Hearing, page 15:2-20 (Apr. 25, 2019).

3. Thirty-seven days after the Court's specific deadline Mr. Champagne files the exact motion the Court provided a deadline for. The prosecution does not suggest there was excusable neglect it just makes demands that take time and money on the eve of the motion hearing. The Court established a reasonable timeline and the prosecution disregarded it. Mr. Champagne was made aware of the Court's orders by undersigned before he filed his "Motion Regarding Insufficient Defense Expert Disclosures." It is not clear why the prosecution offers no explanation for raising the specter of further delay nor why they fail to acknowledge C-32 in the pleading, "Motion Regarding Insufficient Defense Expert Disclosures", controlled by C-32. Mr. Champagne has waited until just before the motions hearing to file pleadings that involve an issue he has been aware of since February 2019 defense disclosures. He has been under orders giving both parties reasonable deadlines since April 2019. The defense objects to the prosecution's efforts to

disregard, circumvent and fail to acknowledge this Court's orders issued to establish reasonable and fair deadlines.

Respectfully submitted,

/s/ John Moran

John Moran, No. 36019
Deputy State Public Defender
Dated: June 13, 2019

/s/ Justin Bogan

Justin Bogan, No. 33827
Deputy State Public Defender
Dated: June 13, 2019

Certificate of Service

I hereby certify that on June 12, 2019, I served the foregoing document by e-filing same to all opposing counsel of record.

/s/ John Moran

/s/ Justin Bogan