

DOLORES COUNTY COMBINED COURTS 409 Main St, Dove Creek, CO 81324 (970)677-2258	
PEOPLE OF THE STATE OF COLORADO vs. RONALD MOROSKO Defendant	DATE FILED: February 14, 2022 10:37 AM ▲ COURT USE ONLY ▲
Honorable Matthew Margeson (Atty Reg. #39015) District Attorney for the 22nd Judicial District 109 West Main Street, Suite 303, Cortez, Colorado 81321 Phone: (970) 565-3788 Fax: (970) 565-9396	Case No: 21CR11
MOTION FOR DEFENSE DISCLOSURES PURSUANT TO COLO. R. CRIM. P. 16(II)(b)(2)	

The People of the State of Colorado, by and through Matthew Margeson, District Attorney in and for the Twenty-Second Judicial District, County of Montezuma, State of Colorado, respectfully request that Defense provide disclosures pursuant to Colo. R. Crim. P. 16(II)(b)(2) and as grounds therefore states the following:

1. Defense has provided a copy of a written report from Hunting and Shooting Related Consultants, LLC. It relates the opinion of Michael Van Durme that “Ronald Morosko, Sr. acted safely and responsibly when he fired his muzzleloader at a 5x5 bull elk on September 17, 2021.” *People’s Exhibit A HRSC report dated Jan, 24, 2022.*
2. This opinion is based at least in part upon information it appears that the defendant presented to Mr. Van Durme. This information included at a minimum the following details:
 - a. That Mr. Morosko has passed on shooting various elk on previous hunts because they were not large enough.
 - b. That on the day in question Mr. Morsko had seen a 5 x 5 bull elk.
 - c. That he watched the elk through open sites for approximately 20 seconds prior to firing.
 - d. That Mr. Morosko never saw Gregory Gabrisch in the vicinity of the hunting site on the date in question.*See p. 7 of People’s Exhibit A.*
3. The above assertions are may not be the totality of the raw data that Mr. Van Durme received from the defendant, but the report does not clarify how or when these statements from the Defendant were obtained.
4. Regardless, a number of the above statements are at odds with the Defendants recorded interview conducted by law enforcement and short time after the shooting.
5. The Court is provided discretion to order the disclosure of “the underlying facts or data supporting the opinion in that particular case of an expert endorsed as a witness...” *Colo. R. Crim. P. 16(II)(b)(2).*

6. Further Rule 16 states that “the intent of this section is to allow the prosecution sufficient meaningful information to conduct effective cross-examination under CRE 705.” *Colo. R. Crim. P. 16(II)(b)(2)*.
7. In this particular case it would be impossible to effectively cross exam Mr. Van Durme without knowing exactly the contents of the statements he may have obtained from the Defendant, and any other information outside of the discovery that the People provided to defense that he relied upon in coming to his conclusion that Mr. Morosko should be relieved of criminal responsibility for his actions.
8. Additionally, since a number of the assertions in the report as to what Mr. Morosko did or did not see on the date in question are directly contradicted by statements Mr. Morosko previously provided to law enforcement the exact contents of those statements are necessarily to effectively cross examine the Defendant should he elect to take the stand in his defense.

WHEREFORE, the People request access to all underlying facts and data Mr. Van Durme used in formulating his opinion in this case.

Respectfully submitted this 14th day of Febraury, 2021.

MATTHEW MARGESON, DISTRICT ATTORNEY

By: /s/ Matt Margeson
Matthew Margeson #39015

CERTIFICATE OF DELIVERY:

I hereby certify that on February 14, 2021, I delivered a true and accurate copy of this document to Defense counsel of record via ICCES.

/s/ Matt Margeson