

<b>DOLORES COUNTY COURTHOUSE</b> <b>409 MAIN ST</b> <b>DOVE CREEK, CO 81324</b>	DATE FILED: February 28, 2022 5:01 PM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,  v.  RONALD MOROSKO, Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Kenneth Pace, #41214 PACE & LITTLE, LLC 679 E. 2 <sup>nd</sup> Ave. #3 Durango, CO 81301 Phone Number: 1-970-247-5282 E-mail address: kenneth.pace@durangoattorneys.com	<b>Case Number: 21CR11</b>
<b>DEFENSE #1:</b> <b>NOTICE PURSUANT TO § 16-3-309(5)</b>	

Mr. Morosko hereby provides notice, pursuant to § 16-3-309(5), 8A C.R.S., that he is requesting that any employee or technician of a criminalistic laboratory that reviewed evidence that the prosecution seeks to introduce in trial be required to testify in person at any trial or proceeding in this case where the prosecution seeks to introduce the evidence.

AS GROUNDS for this motion, the Defendant states as follows:

1. Under § 16-3-309(5), 8A C.R.S., a criminal defendant may require that the prosecution present any laboratory employee or technician that reviewed or processed evidence as a prerequisite to the admission of a report of the laboratory.
2. The presence of a witness with personal knowledge about the handling and testing of evidence submitted to a laboratory is required under the Colorado and Federal Constitutions. Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009); U.S. Const., amends. V, VI, XIV; Colo. Const., art. II, §§ 16, 18, 25; see also CRE 602.

/s/Kent Pace

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KENNETH PACE, No. 41214

**Certificate of Service**

I hereby certify that on 2/28/22, copies of the foregoing document were served on all opposing counsel of record through ICCES. /s/Kent Pace