

DOLORES COUNTY COMBINED COURTS 409 Main St, Dove Creek, CO 81324 (970)677-2258	DATE FILED: March 4, 2022 3:43 PM ▲ COURT USE ONLY ▲
PEOPLE OF THE STATE OF COLORADO vs. RONALD MOROSKO Defendant	
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
PEOPLE'S RESPONSE TO DEFENSE #8: MOTION FOR BILL OF PARTICULARS	

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, responds as follows to Defense #8: Motion for Bill of Particulars:

1. Defense requests that the People provide a bill of particulars related to the amended three count complaint filed in this case on January 31, 2022.
2. The three charges presented in that complaint are as follows:
 - a. Manslaughter pursuant to C.R.S. 18-3-104(1)(a) - On or about September 17, 2021, RONALD J MOROSKO unlawfully, feloniously, and recklessly caused the death of Gregory Gabrisch
 - b. Hunting in a Careless Manner pursuant to C.R.S. 33-6-122 - On or about September 17, 2021, Ronald Morosko, in the State of Colorado, County of Dolores, carelessly discharged a firearm, failing to exercise the degree of reasonable care that would be exercised by a person of ordinary prudence under all the existing circumstances, in a manner that endangered human life
 - c. Criminally Negligent Homicide pursuant to C.R.S. 18-3-105 - On or about September 17, 2021, RONALD J MOROSKO unlawfully and feloniously caused the death of Gregory Gabrisch, by conduct amounting to criminal negligence
3. As a preliminary matter, Rule 7 indicates that “a motion for a bill of particulars may be made only within 14 days after arraignment or at such other time before or after arraignment as may be prescribed by rule or order.” *Colo. R. Crim. P. 7(g)*.
4. The Defendant has failed to make a timely request for a Bill of Particulars in this case and the request should be denied on those grounds.
5. “The purpose of a bill of particulars is to enable the defendant to properly prepare his defense in cases where the indictment, although sufficient to advise the defendant of the charges raised against him, is nonetheless so indefinite in its statement of a particular charge that it does not afford the defendant a fair opportunity to procure witnesses and prepare for trial.” *People v. District Court for the Second Judicial Dist., 198 Colo. 501, 503 (Colo. 1979)*.

6. The complaint in this case makes the allegations plain. The People are stating that they intend to prove at trial that on September 17, 2021 Mr. Morosko discharged a firearm causing the death of Mr. Gabrisch and that in doing so he acted recklessly or with criminal negligence.
7. Defendant has every ability to both procure witnesses and prepare for trial based off the Compliant filed and the information provided in discovery. In fact, the defendant has undertaken substantial preparation for trial including hiring at least two expert witnesses in the field of psychology and hunting safety. In addition, the Defendant has undertaken a substantial motions practice that seeks to limit the People's ability to introduce particularized evidence regarding statements the Defendant made about the events that occurred on September 17, and to call into question law enforcements investigation into Mr. Gabrisch's death.
8. The present complaint poses no impediment to the Defendant mounting a defense and acquiring relevant witnesses.
9. The other purpose of a bill of particulars is that can serve to limit "the proof at trial to those areas described in the bill of particulars." *Id. at 504.*
10. The People have every ability and right to present evidence regarding all attendant circumstances and conduct of the Defendant that would serve to prove that he acted either recklessly or negligently when he discharged a firearm causing the death of Mr. Gabrisch, and should not be otherwise artificially constrained in that presentation by a bill of particulars. The proper confines of the People's presentation are those provided in the Colorado Rules of Evidence.

WHEREFORE, the People request that the court deny the Defendant's Motion #8 requesting a bill of particulars.

Respectfully submitted this 4th day of March, 2021.

MATTHEW MARGESON, DISTRICT ATTORNEY

By: /s/ Matt Margeson
Matthew Margeson #39015

CERTIFICATE OF DELIVERY:

I hereby certify that on March 4, 2021, I delivered a true and accurate copy of this document to Defense counsel of record via ICCES.

/s/ Matt Margeson