Re: Destruction of biological evidence

Dear      ,

Previously you represented a defendant named       in a case where evidence may potentially be required to be preserved under Article 38.43 of the Code of Criminal Procedure (biological materials). Your client’s case was disposed of by  on       and sentence was imposed on that same date.

Pursuant to Article 38.43 of the Code of Criminal Procedure, I am writing to notify you that the State has determined that the evidence in the above case is no longer needed and we intend to destroy or dispose of all items remaining in the custody of the      , including any biological materials which may contain DNA. A written order authorizing destruction will be presented to the Court for signature unless a written objection is received within 91 days from the date this letter was mailed to you or the statutory time frame for your client to raise an objection. Your client has also been notified and informed that if he has no objection, no action is necessary on his part. Unless you receive a communication from your former client, I don’t believe that the law requires you to take any action on his or her behalf.

A copy of the written notice of intent to destroy evidence that has been filed with the court is attached. If you have any questions, please feel free to contact me.

Sincerely,

Assistant District Attorney

      County, Texas

enclosures