

CAUSE NO. MD\_0346546

STATE OF TEXAS § IN THE COUNTY COURT  
VS. § OF GALVESTON COUNTY, TEXAS  
RICHARD EARL CHENEY § CC2 JUDICIAL DISTRICT

**MOTION TO DESTROY CONTROLLED SUBSTANCES**

COMES NOW, the State of Texas, by and through the undersigned Assistant District Attorney, and requests an order authorizing destruction of the controlled substances listed in the preceding inventory, pursuant to subchapter E of Chapter 481 of the Texas Controlled Substances Act. The State, based upon the attached affidavit, states to the Court that the items listed in the affiant's attached inventory were seized in connection with an offense under Chapter 481, Texas Controlled Substances Act and:

  J   the defendant was convicted or placed on deferred adjudication; or  
       the criminal charge against the defendant was dismissed.

**INSTRUCTION TO ASSISTANT DISTRICT ATTORNEY: STRIKE OUT THE ENTIRE SHADED SECTION IF THE DEFENDANT'S CASE WAS DISMISSED.**

Pursuant to Article 38.43 Texas code of Criminal Procedure, if a defendant is convicted, evidence known to contain biological material must be preserved until the defendant is executed, dies, completes his sentence, is released on parole or mandatory supervision, or has received notice of intent to destroy the evidence and no objections were made within 90 days. The defendant in this case has (select one):

- Been executed
- J   Died;
- Completed his/her sentence;
- Been released on parole or mandatory supervision;
- Executed a written waiver of his/her rights to have said evidence preserved; or
- The defendant, the defendant's last attorney of record and the convicting court were duly notified of the

planned destruction of all evidence, whether it is known to contain biological material or not, that was collected and/or seized during the investigation of the above referenced offense. Said notice was sent by:

(A)        certified mail on        (date) and received by the defendant and/or the attorney on        (date), and proof of defendant's/attorney's receipt of the notice was received by the prosecutor on        (date) and no written objections were made by either defendant, last attorney of record, or the convicting court within 90 days from the later of the following dates; (1) the date the notice was mailed to the defendant's last attorney of record; or (2) the date the prosecutor received proof that notice was received by the defendant; or

(B)        said notice was hand delivered to the defendant and/or to the attorney on        (date), and no written objections were made by either defendant, last attorney of record, or the convicting court within 90 days from the date the notice was served on the defendant and his attorney.

Pursuant to Subchapter E of Chapter 481 of the Texas Controlled Substances Act, the State requests that the listed agency be ordered to destroy the controlled substances listed in the attached Inventory of Controlled Substances. Sufficient documentation as to the ultimate disposition of said controlled substances will be retained by said agency.

Respectfully Submitted,

T. DeFoe  
Assistant District Attorney  
Galveston County, Texas  
Date: 3-21-16

FILED  
16 MAR 28 PM 1:14  
COUNTY CLERK  
GALVESTON COUNTY, TEXAS

CAUSE NO. MD\_0346546

STATE OF TEXAS § IN THE COUNTY \_\_\_\_\_ COURT  
VS. § OF GALVESTON COUNTY, TEXAS  
RICHARD EARL CHENEY § CC2 JUDICIAL DISTRICT

**REQUEST FOR DESTRUCTION OF CONTROLLED SUBSTANCES**

Affiant, DEPUTY AMANDA QUINTANILLA, states that the GALVESTON COUNTY SHERIFF'S OFFICE possesses the controlled substances listed below. Further, the controlled substances were seized in connection with an offense under Chapter 481 of the Texas Controlled Substances Act and the seizure is described in offense report number 14-00002390. The criminal case involving the listed controlled substances was assigned to the above referenced Court, where the defendant received 6 DAYS COUNTY JAIL (assert either defendant's sentence or dismissal).

**INSTRUCTION TO AFFIANT:** Please check any of the following categories that apply. The defendant has: (1) \_\_\_\_\_ been executed; (2) \_\_\_\_\_ died; (3)  completed his/her sentence; (4) \_\_\_\_\_ been released on parole or mandatory supervision; (5) \_\_\_\_\_ signed a written waiver of his/her rights to have evidence preserved; (6) \_\_\_\_\_ received notice of the intent to destroy evidence as described in the State's motion to destroy; or (7) \_\_\_\_\_ the defendant's criminal charge resulted in a dismissal.

*Note to Affiant: If any of the above categories apply to the defendant you may strike out the paragraph immediately below that discusses the presence of biological material.*

**PRESENCE OF BIOLOGICAL MATERIAL:** Affiant further states that the listed property (\_\_\_\_\_ is) (\_\_\_\_\_ is not) known to contain biological material that if subjected to scientific testing would more likely than not: (A) establish the identity of the person committing the offense; or (B) exclude person from the group of person who could have committed the offense.

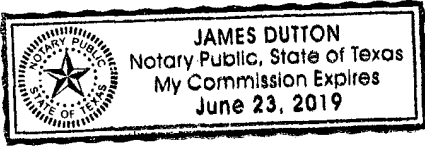
**Inventory of Controlled Substances seized in connection with above referenced case:**

Item 1: MARIJUANA (PR#41260) Item 2: \_\_\_\_\_  
Item 3: \_\_\_\_\_ Item 4: \_\_\_\_\_  
Item 5: \_\_\_\_\_ Item 6: \_\_\_\_\_

Pursuant to Subchapter E of Chapter 481, Texas Controlled Substances Act, affiant request that the State of Texas, by and through her Assistant District Attorney, move for a destruction order authorizing destruction of the above listed controlled substances by the above referenced law enforcement agency. Sufficient documentation as to the ultimate disposition of the controlled substances will be retained by the agency.

DATED: 11/3/15 SIGNED: A Quintanilla AMANDA QUINTANILLA  
Affiant (Type or Print Name)

Sworn to and subscribed before me this the 3 day of Nov, A.D., 20 15.



SIGNED: James Dutton  
Notary Public for the State of Texas  
My Commission Expires: 6/23/19

Francis R. Dutton  
COUNTY CLERK  
GALVESTON COUNTY, TEX  
16 MAR 28 PM 1:1  
FILED