

CAUSE NO. CR [REDACTED]-G

STATE OF TEXAS

v.

[REDACTED]

* IN THE DISTRICT COURT
*
* 370th JUDICIAL DISTRICT
*
* HIDALGO COUNTY, TEXAS

**MOTION TO PRESERVE HCSO INVESTIGATOR [REDACTED] NOTES,
RECORDINGS, DISPATCH LOGS, REPORTS, STATEMENTS, TEXT MESSAGES
PERTAINING TO WITNESS [REDACTED] AND WITNESS [REDACTED]**

TO THE HONORABLE JUDGE OF SAID COURT:

**dispatch logs not
available through
Investigator

NOW COMES [REDACTED] Defendant herein, and files this motion to preserve HCSO Investigator [REDACTED] notes, recordings, dispatch logs, statements, and text messages pertaining to witnesses [REDACTED] and [REDACTED] and as grounds therefore would show the court the following:

1. On [REDACTED] 2017, an underage teen female made a report of sexual assault. Eventually, Investigator [REDACTED] HCSO, was assigned to the case.
2. Investigator [REDACTED] reports that two witnesses, [REDACTED] and [REDACTED] were in the room at the time when the alleged sexual assault occurred. There is no indication in the discovery materials that Investigator [REDACTED] visited witnesses [REDACTED] and [REDACTED].
3. Upon Defense investigation, it was discovered that Investigator [REDACTED] interviewed both witnesses [REDACTED] and [REDACTED].
4. The witnesses [REDACTED] and [REDACTED] have indicated that they informed Investigator [REDACTED] that they neither saw nor heard any sexual activity involving the accuser and accused in the morning hours of [REDACTED] 2017 as alleged in the indictment.
5. Defendant requests that HCSO Investigator [REDACTED] be ordered to preserve all notes, recordings, dispatch logs, statements, and text messages pertaining to witnesses [REDACTED] and [REDACTED] pertaining to this case.

WHEREFORE PREMISES CONSIDERED, DEFENDANT respectfully prays that the court grant this motion and order the State and HCSO Investigation notes, recordings, dispatch logs,

statements, and text messages pertaining to witnesses [REDACTED] and [REDACTED] be preserved in the form that the Court finds reasonable.

Respectfully submitted,

Lennard K. Whittaker, Attorney
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By: 

Lennard K. Whittaker
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Attorney for [REDACTED] Fernando Valdez

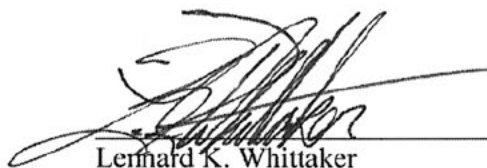
Certificate of Service

I, Lennard K. Whittaker, affirm that a true and correct copy of the foregoing instrument has been delivered to:

Hidalgo County District Attorney
100 E. Cano
Edinburg, TX 78539

[REDACTED]@da.co.hidalgo.tx.us

[REDACTED] Patrick Nitsch, Jr., Attorney
521 S. Broadway
McAllen, TX 78539
956 668 1999
fax 956 972 0353
[REDACTED]



Lennard K. Whittaker

CAUSE NO. CR [REDACTED] G

STATE OF TEXAS

* IN THE DISTRICT COURT

v.

* 370th JUDICIAL DISTRICT

[REDACTED]

* HIDALGO COUNTY, TEXAS

ORDER ON DEFENDANT'S MOTION TO PRESERVE HCSO INVESTIGATOR [REDACTED] NOTES, RECORDINGS, DISPATCH LOGS, REPORTS, STATEMENTS, TEXT MESSAGES PERTAINING TO WITNESS [REDACTED] AND WITNESS [REDACTED]

On this the ___ day of _____, 2017, came to be heard in the above-entitled and numbered cause motion to preserve HCSO Investigator [REDACTED] notes, recordings, dispatch logs, statements, and text messages pertaining to witnesses [REDACTED] and [REDACTED] and this court finds that Defendant's motion is hereby:

GRANTED, orders the State (and its agents) to preserve ALL notes, recordings, dispatch logs, statements, and text messages pertaining to witnesses [REDACTED] and [REDACTED] [REDACTED]

The Court instructions on method of preservation: _____

DENIED.

Signed this ___ day of _____, 2017.

Judge Presiding

cc:

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[REDACTED]