



CASE NO. 18-333989

THE STATE OF TEXAS	§	IN THE COUNTY COURT
	§	
v.	§	AT LAW 5
	§	
<u>THOMAS JAMES RITCHEL</u>	§	MONTGOMERY COUNTY, TEXAS
D.O.B.: 01/04/1989 SEX: MALE RACE.: WHITE	§	

WAIVER OF PRESERVATION OF EVIDENCE

Joined by my counsel, I waive the preservation of any and all evidence in this case, including known biological and toxicological evidence. I understand that under Tex. Code Crim. Proc. Art 38.50, I have the right to have toxicological evidence that was collected in my case retained for the duration of my sentence, or term of community supervision. I further understand that under Tex. Code Crim. Proc. art. 38.43, evidence known to contain biological material must be preserved until I die, complete my sentence, or if I am sentenced to confinement, until I am released on parole or mandatory supervision; and that I, my counsel, and the court would have 90 days to object to the planned destruction of such evidence. I fully understand that scientific testing of evidence containing biological material could establish the identity of the person committing the offense in this cause or exclude me from the group of persons who could have committed the offense. I agree that testing of any such biological or toxicological evidence is unnecessary. I hereby waive my right to notice of and objection to the planned destruction of any toxicological evidence collected under Article 38.50, or any evidence known to contain biological material under Article 38.43. If a weapon(s) was seized from me and under Tex. Code Crim. Proc. art. 18.19 I would be rightfully entitled to the return of the weapon; I hereby also waive the right to return of said weapon(s). I agree that all evidence collected in this case may be returned to the rightful owner other than myself, used for law enforcement purposes, sold by law enforcement pursuant to Article 18.19, or destroyed.

Approved:

ATTORNEY FOR DEFENDANT

DEFENDANT



ORDER FOR DESTRUCTION/FORFEITURE OF EVIDENCE

The Court finds that Defendant has knowingly and voluntarily waived preservation of all evidence in this cause and THEREFORE ORDERS the law enforcement agency in possession of the evidence in this case to return the evidence to the rightful owner other than the Defendant, use the evidence for law enforcement purposes, sold by law enforcement pursuant to Article 18.19, or destroy the evidence at any date after 30 days from the date of this order. **This order also includes any firearms.**

Firearm (if applicable):_

The Court further ORDERS the clerk of this Court to provide a copy of this order to defense counsel and the State.

Signed and Entered on this the 29th day of November, 2018
