

# STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
Superior Court Division

\_\_\_\_\_ County

## STATE VERSUS

## NOTICE OF INTENT TO DISPOSE OF BIOLOGICAL EVIDENCE AND REQUEST FOR PRESERVATION

Name Of Defendant

G.S. 15A-268

File No.(s)	Off.	Offense Description	G.S. No.	Offense Date	Conviction Date	Plea	F/M	Class

### CUSTODIAN'S NOTICE TO DISTRICT ATTORNEY

#### TO THE DISTRICT ATTORNEY OF THE ABOVE-CAPTIONED COUNTY:

The defendant in the above-captioned proceeding(s) was convicted of the offense(s) listed above. The exhibit(s) listed below, collected in the course of investigation or introduced at trial in this proceeding(s), currently is in the custody of the custodial agency identified below and constitutes biological evidence within the scope of G.S. 15A-268. The undersigned custodian has determined that it has no duty under G.S. 15A-1471 to preserve the exhibit(s) for proceedings before the N.C. Innocence Inquiry Commission and hereby gives notice of its intent to dispose of the exhibit(s) prior to the expiration of the retention period(s) specified in G.S. 15A-268(a6) for the above offense(s) of conviction unless the undersigned receives a request for preservation thereof in compliance with G.S. 15A-268(b)(3)d.

Exhibit No.	Description And Notes, If Applicable	Collected (✓)	Offered (✓)	Admitted (✓)

See additional exhibit list, attached.

Date	Name Of Custodian (type or print)	Signature Of Custodian
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Title (if other than Clerk)
Custodian's Agency (if other than Clerk) <input type="checkbox"/> _____ Police Department <input type="checkbox"/> _____ County Sheriff's Office <input type="checkbox"/> Other: _____		Address Of Custodian

**NOTICE TO DEFENDANT AND INTERESTED PARTIES**

The custodial agency in custody of the above-listed exhibits constituting biological evidence in the above-captioned proceeding has given notice of its intent to dispose of the exhibits. The undersigned district attorney hereby gives notice of the custodian's intent to dispose of the evidence and advises that the custodian may dispose of the evidence unless a request for preservation thereof in compliance with G.S. 15A-268(b)(3)d. and for one of the reasons specified below in "Request For Preservation of Evidence" is received by the custodian at the address on Side One within 90 days of defendant's receipt of this notice.

**DISTRICT ATTORNEY CERTIFICATE OF SERVICE**

**NOTE:** Upon completion of this Certificate of Service, return a copy of this notice to the custodian identified on Side One. I certify that on this date I gave notice of the above-named custodian's intent to dispose of the exhibit(s) listed on Side One to the parties identified and by the methods indicated below.

1.  a. To the defendant by delivery to the attention of the superintendent of the correctional institution where the defendant currently is incarcerated.

Name Of Superintendent | Name Of Correctional Institution

b. To the defendant currently not incarcerated in connection with the above-captioned proceeding(s), by first-class mail to:

Address | Source Of Address
 ACIS  Defendant  District Attorney's File
 Division Of Community Supervision And Reentry
 Other: \_\_\_\_\_

2.  a. To the defendant's counsel in the above-captioned proceeding:

Name Of Defense Counsel | Defense Counsel Address

b. To no counsel because the defendant was unrepresented in the above-captioned proceeding.

3. To the Office of Indigent Defense Services by first-class mail to: 123 W. Main St., Suite 400, Durham, NC 27701.

Date | Name (type or print) | Signature |  District Attorney  Assistant DA

**SUPERINTENDENT CERTIFICATE OF SERVICE**

**NOTE:** Forward to new facility if inmate has been transferred. Upon certification, return the original to the custodian of the evidence at the address on Side One.

I, the undersigned, being duly sworn or affirmed hereby declare that:

- as the superintendent of the correctional institution named below, I personally delivered a copy of this notice to the defendant on the date indicated below.
 I did not deliver a copy of this notice to the defendant, because the defendant is no longer incarcerated in a correctional institution of the Division of Prisons of the Department of Adult Correction as of the date of receipt of this notice.

**SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME**

Date Of Delivery To Defendant  Not Applicable

Date | Signature Of Person Authorized To Administer Oaths | Date Of Certification

- Deputy CSC  Assistant CSC  CSC  Magistrate

Name Of Superintendent (type or print)

Notary

Date My Commission Expires

Signature Of Superintendent

**SEAL**

County Where Notarized

Name Of Correctional Institution

**REQUEST FOR PRESERVATION OF EVIDENCE**

**NOTE TO REQUESTER:** A request that the agency in custody of exhibits listed on Side One of this notice not dispose of the exhibits **must be sent to the custodian at the address listed on Side One.**

Now comes the undersigned, and requests that the agency identified as custodian in the above Notice Of Intent To Dispose Of Biological Evidence not dispose of the exhibit(s) listed for the following reason(s):

1. The conviction(s) entered in the following file number(s) listed in the notice on Side One currently is on appeal:

File No.(s)

2. The conviction(s) in the following file number(s) listed in the notice on Side One currently is in post-conviction proceedings:

File No.(s) | Type Of Post-Conviction Proceeding | Court In Which Proceeding Filed (if not in county of conviction)

3. (Defendant or Defendant's Representative Only) The defendant in the above-captioned proceeding(s) will file within 180 days of this request a motion for DNA testing of one or more exhibit(s) listed above, pursuant to G.S. 15A-269.

4. The above-captioned proceeding(s) has been referred for review by the N.C. Innocence Inquiry Commission.

Date | Name Of Requester (type or print) | Signature Of Requester

- Defendant  Indigent Defense Services
 Counsel For Defendant  Other: \_\_\_\_\_

Title (if not defendant or counsel for defendant)