



Paul Morgan <paulmorgan@pmmlawoffice.com>

FW: URGENT!!!!!! Precinct 4 Cases

Rose, Brian <ROSE_BRIAN@dao.hctx.net>
To: Paul Morgan <paulmorgan@pmmlawoffice.com>

Tue, Aug 23, 2016 at 2:29 PM

Paul,

Here's the email that DA Devon Anderson sent out Friday afternoon.

Best Regards,

Brian

Brian L. Rose

Assistant District Attorney

Harris County District Attorney's Office

1201 Franklin, Ste. 600

Houston Tx. 77002

(713) 274-5816

From: Anderson, Devon
Sent: Friday, August 19, 2016 4:20 PM
To: All Prosecutors
Subject: URGENT!!!!!! Precinct 4 Cases
Importance: High

Until further notice you *are not to plead or go to trial* on any case filed by *Harris County Precinct 4*. All such cases are to be reset. Exceptions must be brought to the attention of your division chief as well as Craig Goodhart, Inger Chandler, and Dick Bax.



Paul Morgan <paulmorgan@pmmlawoffice.com>

Fwd: Precinct 4 cases

Rose, Brian <ROSE_BRIAN@dao.hctx.net>
To: Paul Morgan <paulmorgan@pmmlawoffice.com>

Mon, Aug 29, 2016 at 11:17 AM

Paul,

First, the one from Friday. See below.

Brian

From: Bax, Dick
Sent: Friday, August 26, 2016 12:56 PM
To: All Prosecutors; DC Criminal Judges (DCA); CTY Criminal Judges (CCL); Bunin, Alex (Public Defender's Office); Tyler Flood (Tyler@tylerflood.com)
Subject: Precinct 4 cases

Here's an update on where we are on the review of Precinct 4 and the improper destruction of evidence by a property room deputy:

- Prosecutors are still required to check with Inger Chandler, Craig Goodhart or me on any Precinct 4 case that occurred prior to April 15, 2016 where property or evidence was submitted in order to determine if the evidence has been destroyed before proceeding.

- *All pending* controlled substance cases are being dismissed if the evidence has been destroyed.

- We have identified approximately 90 felony and misdemeanor controlled substance cases that have now been dismissed.

- Yesterday, we agreed to join a defense attorney in motions for new trial for his client who had pled guilty to three Precinct 4 felony controlled substances

cases on August 11, 2016 in exchange for a 10 year prison sentence. The motions were granted and the 3 cases have now been dismissed. We have not identified to date any other cases that fall within the window to file a motion for new trial.

- *All pending* non-controlled substance cases involving evidence that has been destroyed are being reviewed to determine the potential impact the destroyed evidence may have on the case. Additionally, we are in the process of sending disclosures/*Brady* notice to counsel in each affected case. To date we have identified approximately 25 pending felony and 10 pending misdemeanor defendants. Prosecutions in these cases will either be dismissed or continued as appropriate.
- We are in the process of identifying *all pending* Precinct 4 cases (both controlled substance and non-controlled substance) that were filed prior to April 15, 2016. Upon completion, a generic notice concerning the destruction of evidence will be provided to all defense counsel.
- Additionally, we are in the process of identifying *all disposed* cases that may have been affected going back as far as 2007 and involving more than 25,000 items of evidence. Once we have identified disposed cases where evidence was improperly destroyed, disclosures will be made to the defendants and their counsel.

Dick Bax

General Counsel

Harris County District Attorney's Office

1201 Franklin St., 6th Floor

Houston, Texas 77002

Phone: 713.274.5816

Fax: 713.368.9275

Email: bax_dick@dao.hctx.net