

1 DIANE J. HUMETEWA
United States Attorney
2 District of Arizona
JERRY R. ALBERT
3 Assistant U.S. Attorney
State Bar No. 011370
4 United States Courthouse
405 W. Congress Street, Suite 4800
5 Tucson, Arizona 85701
Telephone: 520-620-7300
6 jerry.albert@usdoj.gov
Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 v.
13 Oscar Joel Mariscal,
14 Defendant.

Mag No. 09-01755M

**NOTICE OF INTENT TO
DESTROY CONTRABAND**

15 The United States, by and through counsel undersigned, and by authority of the United
16 States Attorney General pursuant to 21 U.S.C. §881(f)(2) and 28 CFR 50.21, hereby provides
17 notice that the contraband seized in the above complaint, information or indictment filed in
18 this matter, will be destroyed after sixty (60) days from the date of notice provided by the
19 seizing agency to the United States Attorney's Office. **The destruction date is July 27,**
20 **2009.**

21 If the defense desires to reweigh, retest or analyze the contraband prior to its destruction,
22 the defense shall file a motion with the court **within fourteen (14) days of the date of this**
23 **notice of intent to destroy** setting forth the basis for which an extended retention is sought
24 and providing a reasonable time frame to accomplish same. Should the defense file a motion
25 for extended retention, the government respectfully requests a prompt hearing on the merits
26

1 of this request. The defense will also make arrangements directly with the assigned Assistant
2 United States Attorney to make arrangements for the reweigh, testing, examination, etc.
3 Failure of the defense to file a motion within fourteen (14) days indicating a need for
4 preservation of the contraband beyond the mandated sixty (60) days will be deemed as
5 consent by the defendant to the destruction of the contraband in excess of the representative
6 sample maintained for use at trial.

7 Excludable delay under 18 U.S.C. §3161(h) may occur as a result of this notice or an
8 order based thereon.

9 Respectfully submitted this 3rd day of June, 2009.

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11 DIANE J. HUMETEWA
United States Attorney
District of Arizona
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13 *s/Jerry R. Albert*
14 JERRY R. ALBERT
Assistant United States Attorney

15 Copy of the foregoing served electronically
16 or by other means this 3rd day of June, 2009, to:
17 Bradley J. Armstong, Esq.
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