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2 District of Arizona
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6 Attorneys for Plaintiff

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF ARIZONA

9 United States of America,
10 Plaintiff,
11 v.
12 Elias Ezaidh Cruz-Santoscoy,
13 Defendant.

Mag. No. 09-09571M

**NOTICE OF INTENT TO
DESTROY CONTRABAND**

14
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 seizure by the seizing
19 agency to the United States Attorney's Office. The date of the seizure is **October 18, 2009**.

20 If the defense desires to reweigh, retest or analyze the contraband prior to its destruction,
21 the defense shall file a motion with the court **within fourteen (14) days of the date of this**
22 **notice of intent to destroy** setting forth the basis for which an extended retention is sought
23 and providing a reasonable time frame to accomplish same. Should the defense file a motion
24 for extended retention, the government respectfully requests a prompt hearing on the merits
25 of this request. The defense will also make arrangements directly with the assigned Assistant
26 United States Attorney to make arrangements for the reweigh, testing, examination, etc.
27 Failure of the defense to file a motion within fourteen (14) days indicating a need for
28 preservation of the contraband beyond the mandated sixty (60) days will be deemed as

1 consent by the defendant to the destruction of the contraband in excess of the representative
2 sample maintained for use at trial.

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

5 Respectfully submitted this 6th day of November, 2009.

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DENNIS K. BURKE
United States Attorney
District of Arizona

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/s/ David R. Zipps

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DAVID R. ZIPPS
Assistant U.S. Attorney

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Copy of the foregoing served electronically
13 or by other means this 6th day of November, 2009, to:

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Matthew H. Green, Esq.
Attorney for the Defendant

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