



4. N.C.Gen.Stat. § 15A-903(a)(1) states:

**Upon motion of the defendant, the court must...make available to the defendant the complete files of all law enforcement and prosecutorial agencies involved in the investigation of the crimes committed or the prosecution of the defendant. The term "file" includes...investigating officers' notes...or any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant.**

6. In order, for the Defendant to be afforded his statutory right to inspect and copy all evidence under N.C.Gen.Stat. § 15A-903(a)(1), the evidence must be available to the Defendant for inspection.
7. In order to ensure all evidence is available and not inadvertently destroyed, the Court should enter an Order requiring law enforcement to preserve any and all evidence associated with these matters.
8. The interests of justice and the rights of the Defendant require the preservation of all evidence connected with these matters and, as such, the Court should enter an Order requiring that any and all evidence in these matters be preserved.

**WHEREFORE**, the Defendant respectfully prays unto this Honorable Court for the following relief:

1. That the Court enter an Order commanding all state and local law enforcement officers, employees, agents and/or attorneys involved in the investigation of the above-captioned matters to preserve and retain any and all evidence in this case;
2. That the Court enter an Order requiring all state and local law enforcement to release to the prosecution all materials and information acquired during the course of the investigation into these matters, pursuant to N.C.Gen.Stat. § 15A-501(6); and
3. For such other and further relief to which the Defendant may be entitled and which the Court may deem just and proper.

This the 1<sup>st</sup> day of February 2008.

By: \_\_\_\_\_  
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**Certificate of Service**

This shall certify that a copy of the foregoing ***Motion for Preservation of Evidence*** was this day served upon the District Attorney by the following method:

- \_\_\_\_\_ depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care, custody, and control of the United States Postal Service, properly addressed to Office of the District Attorney;
- X** by personally serving the Office of the District Attorney via hand delivery (***Assistant District Attorney*** [REDACTED]);
- \_\_\_\_\_ by transmitting a copy via facsimile transmittal to the Office of the District Attorney; and/or
- \_\_\_\_\_ by depositing a copy in the box for the Office of the District Attorney maintained by the Clerk of Superior Court.

This the 1<sup>st</sup> day of February 2008.

By: \_\_\_\_\_  
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