



FILED

OCT 29 2009

SEVENTH JUDICIAL DISTRICT COURT

DEPARTMENT I

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Ely, NV 89301

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29 October 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

STEVE L. DOBRESCU
DISTRICT JUDGE

WHITE PINE,
EUREKA, AND LINCOLN COUNTIES
STATE OF NEVADA

Supreme Court Clerk's Office
201 S. Carson Street, Suite 201
Carson City, NV 89701

Via Facsimile 775-684-1601

Re: Evidence Retention and Destruction Subcommittee Evidence Protocol
Administrative Docket No. 410

Dear Clerk:

I am writing in response to Chief Justice Hardesty's letter requesting comments regarding the above referenced matter. I apologize for the late response but this is my first opportunity to prepare my comments.

Overall, I believe the protocol is excellent and reflects a great deal of thought and effort. The Subcommittee is to be commended for their efforts. Some minor points are as follows:

P. 10, ¶ 4. Change "or your local county bar association" to "or the local county bar association."

P. 11, ¶ 1. Should the Attorney General be included as a possible moving party? How about the owner of the property? NRS 52.385 provides for possible return of property subject to District Attorney approval, but I don't see a method for an owner to seek a return after trial.

P. 11, ¶ 3. "No exhibit offered and/or admitted . . . may be released . . ." Sometimes exhibits are offered, not admitted and retained by counsel. Perhaps it should read "No exhibit offered and lodged with the clerk and/or admitted . . ."

P. 12, ¶ 8 Disposal. I may have missed it, but I didn't see procedures for disposal of items such as drugs, guns, ammo, bloody clothing, etc.

P. 13, ¶ 1. "These types of exhibits should not to be removed . . ." delete "to."

I hope these comments are helpful.

Sincerely,

HON. STEVE L. DOBRESCU
District Court Judge, Dept. 1

cc: Chief Justice Hardesty (via fax)
Honorable Patrick Flanagan (via fax)

SLD:crf

109-31697

facsimile
TRANSMITTAL

STEVE L. DOBRESCU, District Court Judge

SEVENTH JUDICIAL DISTRICT COURT

White Pine, Eureka & Lincoln County

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Attn: Supreme Court Clerk's Office
Fax: 775-684-1601
From: Carol R. Fielding
Executive Judicial Assistant
Date: 29 October 2009
Subject: Administrative Docket No. 410
Pages: 2 (including cover sheet)

Faxed Herewith: Letter

Notes:

Hard Copy to Follow Yes No