[CHIEF OF POLICE]
[POLICE DEPARTMENT ADRESS]

RE: Video Recording of Arrest for Intoxication Offense: [CLIENT]

Dear Chief [ ]:

I have been retained to represent [CLIENT] as a result of an arrest for an Intoxication Offense, as that term is used in Texas Code of Criminal Procedure 2.139. As you are likely aware, the Eighty-fourth Legislature passed House Bill 3791, which became effective on September 1, 2015, amends Article 2.139 of the Code of Criminal Procedure and provides as follows:

> *A person stopped or arrested on suspicion of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is entitled to receive from a law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of:*
>
> *(1) the stop;*
>
> *(2) the arrest;*
>
> *(3) the conduct of the person stopped during any interaction with the officer, including during the administration of a field sobriety test; or*
>
> *(4) a procedure in which a specimen of the person's breath or blood is taken.*

This letter is specifically referencing the second Art. 2.139. As per this second article 2.139, this is an invocation of the <u>entitled right</u> noted therein for all electronic digital video/audio recordings by the officers in regard to the stop, arrest, and all interactions with the officers with [CLIENT]. Note, this demand also includes, any video/audio electronic recording of the procedure by which [CLIENT'S BREATH/BLOOD] was taken as per 2.139. In addition, I have attached to the original of this letter a blank DVD and a self-addressed stamped envelope so that DVD could be returned to me at no cost to your agency.

In closing, please note that as per Article 2.139, this request establishes an absolute right by [CLIENT] to have this electronic recording at this time. The statute does not allow a law enforcement agency to treat this invocation of an entitled right as discretionary production. Rather, the statute makes it a mandatory production. Please be aware that if this electronic recording is not produced, we will have no choice but to bring law suit pursuant to Tex. Gov't. Code sec. 552.321, and that this would allow our client to recover attorney's fees from your agency. That said, I thank you in advance for your professionalism and courtesy in promptly addressing invocation, and for following the law.

Sincerely,