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November 28, 2018

Melissa White
Assistant District Attorney
Bexar County District Attorney's Office
300 Dolorosa
Bexar County Justice Center
San Antonio, TX 78205

Re: *State of Texas v. Andrew Smith*

Dear Ms. Whitet:

I represent Mr. Smith in the referenced case. I have not reviewed the case file, but I have spoken with you and with Roberta Rose, the investigating officer on this case. I understand it is your intent to present this case to the grand jury. I request that Mr. Smith be permitted to appear before the grand jury should you proceed with that action. As you know, Article 20.04 of the Code of Criminal Procedure provides that the accused or suspected person may address the grand jury if approved by the State's attorney.

Mr. Smith is a Federal Law Enforcement Officer with the U.S. Border Patrol in McAllen, Texas. As you know, once a person is formally charged with the offense such as Mr. Smith faces, not even an acquittal or dismissal can completely clear that person's name. The consequences of such a charge would be devastating to Mr. Smith, both personally and professionally. Mr. Smith is humbly seeking the opportunity to protect that reputation, and his future, by addressing these allegations before the grand jury.

I ask that you exercise your discretion in the interest of justice, and allow Mr. Smith the opportunity to protect his reputation and address the grand jury. Please advise me of your decision so Mr. Smith may make arrangements to come to San Antonio.

Thank you in advance for your time and consideration in this matter.

Respectfully,

Mark Stevens