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EASTERN DISTRICT OF ARKANSAS

FEB 06 2025

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TAMMY H. DOWNS, CLERK

By: [Signature]

DEP. CLERK

1-31-25

TAMMY H. DOWNS

CASE NAME: Lynch v Docs

CASE NUMBER: 4:24-cv00740-LPR-BBM

- Motion To Preserve Evidence -

I'm praying the court will issue 2 orders for the "Preservation of Evidence" in this case. I am formally asking the court to have White County Jail release the contact information, address for Smart Communications/Jail mail, and then order both parties (Smart Communications) and defendant White County Jail to preserve ALL evidence related to this case, Jason Lynch - all documents in any formats, written and digital inmate records, jail video, body cam video, and anything of the like...

The preservation of this evidence is critical to ensuring this court has true information and all facts in this case; it's imperative that this court has ^{this} evidence so it can uphold the integrity of this trial and the honorable judicial process it's entrusted with.

Below are the compelling reasons

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Supporting this motion, and its timing..

- a. Preventing Spoliation - Edwards already clearly stated "No one will ever see or get the any evidence supporting my claims" Edwards willingness to destroy evidence is concerning an a order for preservation helps mitigate the risk of intentional spoliation, it will help keep from any evidence that may be lost, altered or destroyed..
- b. Relevance to Claims: The evidence in question and requested is DIRECTLY relevant to all of the claims in the TAR. The information requested is likely to be relevant material presented by both parties, making its preservation essential for complete and just resolution.
- c. Potential for Adverse Inference: If evidence is lost or destroyed due to negligence or willful misconduct by the defendants (Edwards already made it clear that this should be a concern) it may lead to an adverse inference against them during trial.

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- d. Third-Party Evidence: Some evidence involves a third party whose own records will be a way to check or prevent spoliation by the defendants. This Third party has no knowledge of this claim and may risk destruction or loss not knowing of the need to preserve.
- e. Right to fair trial: Preservation of evidence is critical to ensure a fair trial for both parties, allowing them to present their case without the risk of missing information.
- f. Fairness in Litigation: Preservation of evidence ensures that both parties have equal access to information necessary for their cases, also promoting ~~true~~^{true} and just fairness in litigation.
- g. Complexity of Digital Evidence: In today's digital age, electronic data can easily be lost, destroyed or even become corrupt without misconduct, an order of preservation will create copies (backups).
- h. Potential Disputes: without an order, there may be disputes regarding what evidence was available or relevant at the time of trial.

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- i. Complexity of Evidence review as a prisoner: The nature of evidence may involve complex data, type of evidence and types of material it is or is on may require time to analyze. as a F.B.O.P prisoner it will require special appeals and extra time to review and respond. Thus immediate preservation is necessary.
- j. Legal Obligations: An order for preservation evidence will remind defendants that they have legal duty to preserve evidence that they know or should know is relevant to litigation.
- k. Facilitating Settlement Discussions: Having all relevant evidence preserved can facilitate more meaningful settlement discussions, potentially leading to a resolution without further litigation.
- l. Future Discovery Needs: As the case progresses, additional evidence may be required, which necessitates the preservation of existing evidence.
- m. Judicial Efficiency and Economy: By preserving evidence early on, the court can avoid delays and complications later in the proceedings that

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m. arise from disputes over missing documents or data. The Preserving evidence now in light of Edwards statement to destroy will prevent additional claims, motions and is in the best interest of all.

For the reasons above, I respectfully pray that this motion to preserve evidence, and order to defendants to catalog by date, time, location & type with a chain of custody be Granted.

I Pray it may be so, and Thank you for your time and consideration of this very important matter.

Jason ~~Murphy~~ Lynch "Pro Se"

P.S. To date Edwards has failed to respond to Three FOIA request for this information. 2 of the request were sent cert. mail USPS with green card returned signed.