

COURT ORDER

22

ORDER NO: 2010 1808

DATE: October 26, 2010

STATE OF TEXAS

COUNTY OF DALLAS

**BE IT REMEMBERED**, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 26th day of October, 2010 on motion made by John Wiley Price, District #3, and seconded by Mike Cantrell, District #2, the following order was adopted:

**WHEREAS**, this matter was briefed to the Dallas County Commissioners Court on October 26, 2010; and V.T.C.A., Code of Criminal Procedure, Paragraph 59.06(g), as amended, requires the Commissioners Court of each county to perform annual audits on proceeds and property seized under this chapter; and

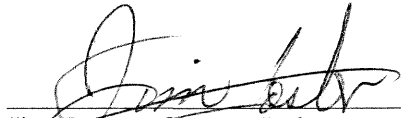
**WHEREAS**, an audit of the District Attorney Chapter 59 forfeiture funds has been completed by the County Auditor on a form provided by the Attorney General and presented to Commissioners Court for certification; and

**WHEREAS**, this court order is consistent with Strategic Plan Vision 3; and

**WHEREAS**, Commissioners Court accepts and certifies the audit findings of the County Auditor.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Dallas County Commissioners Court that the audit report be certified as final with notice delivered to the Office of the Attorney General.

**DONE IN OPEN COURT** this the 26th day of October, 2010.

  
Jim Foster, County Judge

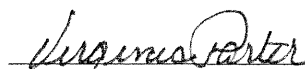
  
Maurine Dickey Comm. District #1

  
John Wiley Price, Comm. District #3

  
Mike Cantrell, Comm. District #2

  
Kenneth A. Mayfield, Comm. District #4

Recommended for Approval by:

  
Virginia A. Porter, County Auditor

**FY 2010 Chapter 59 Asset Forfeiture Report  
by Attorney Representing the State**

Agency Name: Dallas County Criminal Reporting Period: 9/1/09 - 8/31/10  
(example 9/1/09- 08/31/10)

Agency Mailing Address: District Attorney  
133 N. Riverfront Blvd  
Dallas, TX 75207-4399

County: Dallas

Phone number: 214-653-3600

Email Address: PMIngram@dallascounty.org (This should be a permanent agency email address)

**NOTE: PLEASE ROUND ALL DOLLAR AMOUNTS TO NEAREST WHOLE DOLLAR**

**I. SEIZED FUNDS**

A) Beginning Balance .....  
**Instructions:** Include total amount of seized funds on hand (in your agency's possession) at the beginning of the reporting period including interest. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. **Do not** include funds that are in an account held by another agency, e.g. a police department's account.

\$ 0

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B) Seizures During Reporting Period:

1) Amount Seized By Employees of Your Agency .....  
**Instructions:** Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency.

\$ 0

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2) Amount Seized by Other Agencies .....  
**Instructions:** Include only amounts seized by other agencies in your jurisdiction and which have been transferred to your office for custody pending forfeiture

\$ 0

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C) Forfeiture Petitions Filed For All Agencies You Represent .....  
**Instructions:** Enter the **total amount** of seized funds for which forfeiture petitions were filed during the reporting period. Do not include amounts seized if a petition has not been filed. **Note:** this may include all or part of the funds listed in B above due to the 30 day limitations period on filing petitions. (This should be a currency amount, for example \$1,000)

\$ 1,949,815

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D) Forfeitures Pending For All Agencies You Represent .....  
**Instructions:** Enter the **total amount** of seized funds at the end of the reporting period where a forfeiture petition has been filed but no final judgment has been entered. Include amounts subject to petitions filed in prior reporting periods. (This should be a currency amount, for example \$1,000).

\$ 2,257,249

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E) Interest Earned on Seized Funds During Reporting Period .....  
**Instructions:** Include only the amount of interest earned on seized funds or funds that may have been forfeited but not yet transferred to your forfeiture account. Do not include interest earned on seized funds that are on deposit in an account that does not belong to your agency

\$ 0

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F) Amount Returned To Defendants .....  
**Instructions:** If seized funds are returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.

\$ 302,746

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G) Ending Balance ..... \$ 0  
**Instructions:** Add lines A, B(1), B(2) and E, subtract line F, place total in line G

## II. FORFEITED FUNDS

A) Beginning Balance ..... \$ 799,843  
**Instructions:** Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at the beginning of the reporting period including interest. Do not include funds that have been forfeited but have not yet been received by your agency.

B) Amount Forfeited For All Agencies You Represent and Covered by Local Agreement ..... \$ 2,462,505  
**Instructions:** Enter the total amount forfeited by all forfeiture judgments in your jurisdiction for the reporting year. Do not include judgments that are not yet final due to appeal or motions for new trial. Include interest that was forfeited as part of the judgment.

1) Amount Forfeited and Transferred to all Agencies Covered by Local Agreement ..... \$ 0  
**Instructions:** Do not include amounts forfeited but not yet transferred to these agencies. Include interest that has been forfeited as part of the judgment.

2) Amount Forfeited and Received by Your Agency ..... \$ 752,519  
**Instructions:** Do not include amounts forfeited but not yet received by your agency. Do not include amounts awarded to other agencies. Include interest that was forfeited as part of the judgment.

C) Interest Earned on Forfeited Funds During Reporting Period ..... \$ 6,182  
**Instructions:** Include only the amount of interest earned on forfeited funds or interest earned on funds derived from the sale of forfeited property. Do not include interest amounts that were reported in line B2 above. Do not include interest earned if funds are on deposit in an account that does not belong to your agency.

D) Proceeds Received by Your Agency From Sale of Forfeited Property ..... \$ 3,000  
**Instructions:** Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.

E) Total Expenditures of Forfeited Funds During Reporting Period ..... \$ 253,106  
**Instructions:** From Total on Section VI.

F) Amount deposited to State Treasury to the Credit of the General Revenue Fund Due to Lack of Local Agreement (Art 59.06 (a)) ..... \$ 0

G) Ending Balance ..... \$ 1,308,438  
**Instructions:** Add lines A, B(2), C and D, subtract lines E and F, place total in line G

### III. OTHER PROPERTY

**Instructions:** List the number of cases filed, pending, or disposed for the following categories. List as "pending" only cases where a petition was filed. List as "seized" only those seizures where a seizure is made by a peace officer employed by your agency. If property is sold list under "Proceeds Received by Your Agency from Sale of Forfeited Property" in Section II (D) in the reporting year in which the proceeds are received. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.

Please Note: these should be a number, not a currency amount. For example: 4 pending, 3 seized, 12 new petitions, etc....	MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	REAL PROPERTY (Count each parcel seized as one item)	COMPUTERS (Include computer and attached system components, such as printers and monitors as one item)	FIREARMS (Include only firearms seized for forfeiture under Chpt 59. Do not include weapons disposed of under Chpt 18)	OTHER (Include description)
Pending for all agencies at beginning of reporting period:	137	0	11	17	11
Seized by your agency during reporting period:	12	0	1	0	0
New petitions filed for all agencies during reporting period:	105	0	7	12	3
Forfeited to your agency during reporting period:	4	0	0	0	0
Put into service by your agency during reporting period:	4	0	0	0	0
Pending for all agencies at end of reporting period:	122	0	9	10	9

### IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

**Instructions:** Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount) .....	0
B) Real Property (the number of separate parcels of property, not a currency amount) .....	0
C) Computers (the number of computers, not a currency amount) .....	0
D) Firearms (the number of firearms, not a currency amount) .....	0
E) Other (the number of items not a currency amount) .....	0

### V. FORFEITED PROPERTY TRANSFERRED TO ANOTHER AGENCY

**Instructions:** Enter the total number of items transferred from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount) .....	0
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B)	Real Property (the number of separate parcels of property, not a currency amount).....	0
C)	Computers (the number of computers, not a currency amount).....	0
D)	Firearms (the number of firearms, not a currency amount).....	0
E)	Other (the number of items not a currency amount).....	0

# VI.

## EXPENDITURES

**Instructions:** This category is for Chapter 59 expenditures SOLELY for the official purposes of the office of the attorney representing the state - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other Category.

A)	Total Salaries Paid out of Chapter 59 Funds.....	\$ 0
1	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements) .....	\$ 0
2	Salary Budgeted Solely From Forfeited Funds .....	\$ 0
3	Number of employees Paid Using Forfeiture Funds .....	0
B)	Total Overtime Paid out of Chapter 59 Funds .....	\$ 0
1	For employees Budgeted by Governing Body .....	\$ 0
2	For Employees Budgeted Solely out of Forfeiture Funds .....	\$ 0
3	Number of employees Paid Using Forfeiture Funds .....	0
C)	Total Equipment Paid for with Chapter 59 Funds.....	\$ 29,340
1	Vehicles.....	\$ 1,118
2	Computers.....	\$ 5,603
3	Firearms, Vests, Personal Equipment .....	\$ 3,804
4	Furniture .....	\$ 1,365
5	Software.....	\$ 258
6	Maintenance Costs.....	\$ 7,274
7	Uniforms.....	\$ 0
8	K9 Related Costs .....	\$ 0
9	Other (Provide Detail on Additional Sheet).....	\$ 9,918
D)	Total Supplies Paid Out of Chapter 59 Funds .....	\$ 65,460
1	Office Supplies .....	\$ 6,263
2	Cellular Air Time .....	\$ 50,713
3	Internet .....	\$ 2,404
4	Other (Provide Detail on Additional Sheet) .....	\$ 6,080
E)	Total Travel Paid Out of Chapter 59 Funds.....	\$ 13,982
1	In State Travel .....	\$ 7,508

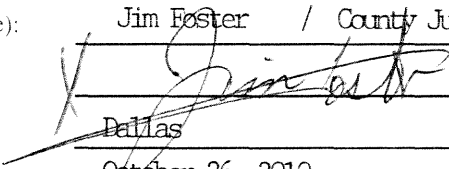
	a) Hotel .....	\$ 4,843
	b) Air Fare .....	\$ 1,474
	c) Meals (including per diem) .....	\$ 909
	d) Car Rental .....	\$ 282
2	Out of State Travel	
	a) Hotel .....	\$ 663
	b) Air Fare .....	\$ 689
	c) Meals (including per diem) .....	\$ 146
	d) Car Rental .....	\$ 159
3	Fuel .....	\$ 2,845
4	Parking .....	\$ 1,854
5	Other (Provide Detail on Additional Sheet) .....	\$ 118
F)	Total Training Paid Out of Chapter 59 Funds .....	\$ 23,672
1.	Fees (Conferences, Seminars) .....	\$ 22,947
2	Materials (Books, CDs, Videos, etc.) .....	\$ 725
3	Other (Provide Detail on Additional Sheet) .....	\$ 0
G)	Total Investigative Costs Paid Out of Chapter 59 Funds .....	\$ 3,854
1.	Informant Costs .....	\$ 0
2.	Buy Money .....	\$ 0
3.	Lab Expenses .....	\$ (200)
4.	Other (Provide Detail on Additional Sheet) .....	\$ 4,054
H)	Total Prevention / Treatment Programs / Financial Assistance (pursuant to Articles 59 06 (h), (I), (j), (n)) .....	\$ 60,000
I)	Total Facility Costs Paid Out of Chapter 59 Funds .....	\$ 0
1.	Building Purchase .....	\$ 0
2.	Lease Payments .....	\$ 0
3.	Remodeling .....	\$ 0
4.	Maintenance Costs .....	\$ 0
5.	Utilities .....	\$ 0
6.	Other (Provide Detail on Additional Sheet) .....	\$ 0
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds .....	\$ 5,525
1.	Court Costs .....	\$ 1,528
2.	Filing Fees .....	\$ 350
3.	Insurance .....	\$ 0

4.	Witness Fees .....	\$ 3,647
5	Audit Costs and Fees .....	\$ 0
6	Other (Provide Detail on Additional Sheet) .....	\$ 0
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report) .....	\$ 51,273
L)	TOTAL EXPENDITURES .....	\$ 253,106

**BOTH THE COMMISSIONERS COURT AND ATTORNEY REPRESENTING THE STATE  
CERTIFICATIONS NEED TO BE COMPLETED**

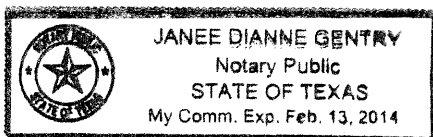
**NOTE: ART. 5.06(g)(1)** requires the Commissioners Court to perform the audit.

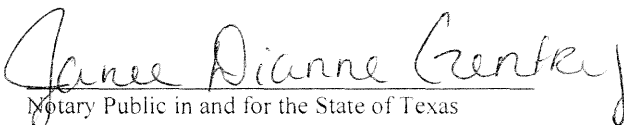
**CERTIFICATION**

COUNTY JUDGE (Printed Name): Jim Foster / County Judge  
SIGNATURE:   
COUNTY: Dallas  
DATE: October 26, 2010

I swear or affirm that the Commissioners Court has conducted the audit required in Article 59.06 of the Code of Criminal Procedure and that upon diligent inspection of all relevant documents and supporting materials, I believe that the asset forfeiture report is true and correct and contains all information required under Article 59.06 of the Code of Criminal Procedure.

SWORN TO AND SUBSCRIBED before me this 26 day of October, 2010.



  
Notary Public in and for the State of Texas

**CERTIFICATION**

ATTORNEY REPRESENTING THE  
STATE (Printed Name): \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific

expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials. I believe that this asset forfeiture report is true and correct and contains all information required under Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and were made in accordance with Texas law.

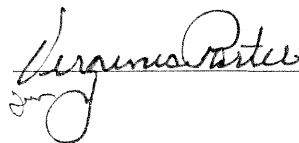
SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**RETURN COMPLETED FORM TO:** Office of the Attorney General  
Criminal Prosecutions Division  
P.O. Box 12548  
Austin, TX 78711-2548  
Attn: Kent Richardson  
(512)936-1348  
FAX (512)494-8283  
E-mail: [kent.richardson@oag.state.tx.us](mailto:kent.richardson@oag.state.tx.us)

[renee.grav@oag.state.tx.us](mailto:renee.grav@oag.state.tx.us)

Audit completed by Dallas County Auditor



10/19/10



DALLAS COUNTY DISTRICT ATTORNEY  
CHAPTER 59 REPORT

ATTACHMENT C9

DESCRIPTION		AMOUNT
Cell Phone Replacements		\$ 780.00
Garmin Suction Mounts		\$ 479.76
Digital Camera		\$ 549.00
DVD Recorder		\$ 94.81
Portable Signal Booster		\$ 199.99
Camcorder		\$ 353.46
Binding Machine		\$ 206.96
Binoculars		\$ 95.98
Battery Chargers for Rechargeable Flashlights		\$ 295.89
Inspection Mirrors		\$ 69.99
Shredder		\$ 99.64
Printers, Scanners, & Ink Cartridges		\$ 5,865.60
DirecTV Receiver, Installation/Set-up Charges		\$ 658.00
Projection Screens		\$ 168.85
Total Schedule C9		\$ 9,917.93

DALLAS COUNTY DISTRICT ATTORNEY  
CHAPTER 59 REPORT

ATTACHMENT D4

DESCRIPTION		AMOUNT
Pagers		\$ 2,111.26
Law Books & Supplements		\$ 2,511.56
DirecTV Subscription Charges		\$ 1,287.54
GPS Annual Service Fee		\$ 169.99
Total Schedule D4		\$ 6,080.35

DALLAS COUNTY DISTRICT ATTORNEY  
CHAPTER 59 REPORT

ATTACHMENT E5

DESCRIPTION			AMOUNT
Taxi/Shuttle Fees			\$ 118.45
Total Schedule E5			\$ 118.45

DALLAS COUNTY DISTRICT ATTORNEY  
CHAPTER 59 REPORT

ATTACHMENT G4

DESCRIPTION		AMOUNT
Quarterly Unemployment Income Reports		\$ 1,500.00
Fingerprint Examination		\$ 500.00
Person/Phone Searches		\$ 2,053.75
Total Schedule G4		\$ 4,053.75

DALLAS COUNTY DISTRICT ATTORNEY  
CHAPTER 59 REPORT

ATTACHMENT K

DESCRIPTION			AMOUNT
Check for Electronic Listening Devices			\$ 1,500.00
Bar Dues			\$ 46,891.00
Membership Fees/Dues			\$ 1,230.00
Subscription			\$ 19.95
License/Certification Renewal Fees			\$ 135.00
Late Fees/Interest Charges			\$ 186.85
Snacks/Supplies for Children Waiting Area			\$ 270.55
Pre-Employment Assessment			\$ 125.00
Leather Prisoner Transport Belts			\$ 84.98
Towing/Storage Seized Vehicle			\$ 128.30
Water/Ice Gun Range Training			\$ 33.48
Registration Fee Exhibit			\$ 50.00
650 Gold Plated Whistles			\$ 617.50
Total Schedule K			\$ 51,272.61