

# COUNTY *of* HIDALGO



EDINBURG, TEXAS 78539

**HIDALGO COUNTY AUDITOR'S OFFICE**  
Hidalgo County Administration Building  
2808 South Business Highway 281  
Edinburg, Texas 78539-6243  
PHONE: (956) 318-2511  
FAX: (956) 318-2577  
WEBSITE: [www.co.hidalgo.tx.us/auditor](http://www.co.hidalgo.tx.us/auditor)

February 18, 2009

Mr. Daniel Marichalar  
Hidalgo County Constable Precinct 5  
P.O. Box 324-335  
Elsa, TX 78543

Ref: Chapter 59 Asset Forfeiture Report  
For the Year Ended December 31, 2008  
Report No. 2009-10

Dear Mr. Marichalar:


We have conducted a review of the Hidalgo County Constable, Precinct 5 "Chapter 59 Asset Forfeiture Report By Law Enforcement Agency" for the year ended December 31, 2008. The objective of the review was to determine whether seizures, forfeitures, receipts and expenditures of all such proceeds and property received under Code of Criminal Procedure Chapter 59 "Forfeiture of Contraband" were properly accounted and reported.

The scope of our review was limited to transactions reported on the "Chapter 59 Asset Forfeiture Report By Law Enforcement Agency" for the year ended December 31, 2008. Our review was not designed nor intended to be a detailed study of every relevant control system, procedure, or transaction. In planning and performing our review, we obtained an understanding of Code of Criminal Procedure Chapter 59; reviewed financial reports containing revenues generated from the sale of forfeited property, interest earned, and court-ordered judgments. In addition, we reviewed financial seizure accounting reports and expenditures incurred.

Based on the results of our review, there was no evidence that there were seizures, forfeitures, receipts, and expenditures of such proceeds and property received under Code of Criminal Procedure Chapter 59 for the year ended December 31, 2008.

If you have any questions please call, Letty Chavez, Internal Auditor III, at 318-2511 ext. 4651, Arcy B. Duran, MBA, Director of Audit, at ext.4645, or me at ext. 4604.

Sincerely,

  
Ray Eufrazio, CPA  
County Auditor

## HIDALGO COUNTY DISTRICT JUDGES

RICARDO P. RODRIGUEZ, JR.  
JUDGE, 52<sup>ND</sup> D.C.

RODOLFO DELGADO  
JUDGE, 53<sup>RD</sup> D.C.

J. R. "BOBBY" FLORES  
JUDGE, 138<sup>TH</sup> D.C.

ROSE GUERRA REYNA  
JUDGE, 208<sup>TH</sup> D.C.

JUAN R. PARTIDA  
JUDGE, 275<sup>TH</sup> D.C.

MARIO E. RAMIREZ, JR.  
JUDGE, 332<sup>ND</sup> D.C.

NOE GONZALEZ  
JUDGE, 370<sup>TH</sup> D.C.  
OVERSEER

LETICIA LOPEZ  
JUDGE, 389<sup>TH</sup> D.C.

ADA SALINAS FLORES  
JUDGE, 398<sup>TH</sup> D.C.

ISRAEL RAMON, JR.  
JUDGE, 430<sup>TH</sup> D.C.

JESSE CONTRERAS  
JUDGE, 443<sup>RD</sup> D.C.

Mr. Daniel Marichalar

February 18, 2009

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Cc: The Honorable Juan D. Salinas III, Hidalgo County Judge  
The Honorable Sylvia Handy, Commissioner Precinct 1  
The Honorable Hector "Tito" Palacios, Commissioner Precinct 2  
The Honorable Jose Flores, Commissioner Precinct 3  
The Honorable Oscar Garza, Commissioner Precinct 4  
Kent Richardson, Office of the Attorney General, Criminal Law Enforcement Division

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**HIDALGO COUNTY DISTRICT JUDGES**

RICARDO P. RODRIGUEZ, JR.  
JUDGE, 12<sup>th</sup> D.C.

RODOLFO DELGADO  
JUDGE, 13<sup>th</sup> D.C.

J. R. "BOBBY" FLORES  
JUDGE, 133<sup>rd</sup> D.C.

ROSE GUERRA REYNA  
JUDGE, 208<sup>th</sup> D.C.

JUAN R. PARTIDA  
JUDGE, 273<sup>rd</sup> D.C.

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JUDGE, 430<sup>th</sup> D.C.

JESSE CONTRERAS  
JUDGE, 448<sup>th</sup> D.C.

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January 8, 2009

Mr. Daniel Marichalar  
Hidalgo County Constable Precinct 5  
P.O. Box 324-335  
Elsa, TX 78543

Ref: Chapter 59 Asset Forfeiture Report

Dear Mr. Marichalar:

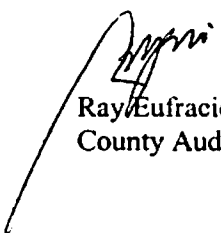
Code of Criminal Procedure Chapter 59 "Forfeiture of Contraband" requires all law enforcement agencies and attorneys representing the state who receive proceeds or property under chapter 59 to account for the seizures, forfeitures, receipts, and expenditures. Commissioners' Court is required to conduct an annual audit of all such proceeds or property.

Therefore, if your agency receives property and/or proceeds under Code of Criminal Procedures Chapter 59, a Chapter 59 Asset Forfeiture Report by Law Enforcement Agency should be prepared by your office and submitted to the Hidalgo County Auditor's Office for review on an annual basis.

As per Code of Criminal Procedures Section 59.06 (g)(1) certified copies of the audit must be delivered to the Texas Comptroller and the Attorney General no later than the 60<sup>th</sup> day after the end of the County's fiscal year. In order to have sufficient time to review the report and have Commissioner's Court approve it, we are asking that you submit the report to our office no later than January 31, 2009. The Chapter 59 Asset Forfeiture Report by Law Enforcement Agency can be obtained in the Office of the Attorney General website at [http://www.oag.state.tx.us/forms/lea\\_audit.pdf](http://www.oag.state.tx.us/forms/lea_audit.pdf).

If you have any questions please call, Letty Chavez, Internal Auditor III, at 318-2511 ext. 4651, Arcy B. Duran, MBA, Audit Director, at ext.4645, or me at ext. 4604.

Sincerely,

  
Ray Eufrazio, CPA  
County Auditor

## HIDALGO COUNTY DISTRICT JUDGES

RICARDO P. RODRIGUEZ, JR. JUDGE, 1 <sup>ST</sup> D.C.	RODOLFO DELGADO JUDGE, 1 <sup>ST</sup> D.C.	J. R. "BOBBY" FLORES JUDGE, 1 <sup>ST</sup> D.C.	ROSE GUERRA REYNA JUDGE, 2 <sup>ND</sup> D.C.	JUAN R. PARTIDA JUDGE, 2 <sup>ND</sup> D.C.	MARIO E. RAMIREZ, JR. JUDGE, 3 <sup>RD</sup> D.C.	NOE GONZALEZ JUDGE, 3 <sup>RD</sup> D.C. OVERSEER	LETICIA LOPEZ JUDGE, 3 <sup>RD</sup> D.C.	AIDA SALINAS FLORES JUDGE, 3 <sup>RD</sup> D.C.	ISRAEL RAMON, JR. JUDGE, 4 <sup>TH</sup> D.C.	JESSE CONTRERAS JUDGE, 4 <sup>TH</sup> D.C.
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**FY 2008  
CHAPTER 59 ASSET FORFEITURE REPORT  
BY LAW ENFORCEMENT AGENCY**

Agency Name: Hidalgo County Constable Reporting Period: 01-01-08 to 12-31-08  
(local fiscal year)  
 Agency Mailing Address: P.O. Box 324 example: 01/01/08 to 12/31/08,  
El Paso, TX. 78543 09/01/07 to 08/31/08 etc.  
 Phone Number: (956) 262-4200  
 County: Hidalgo

**NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.**

**I. Beginning Balance**

A) Forfeited Funds ..... \$ - 0 -

**INSTRUCTIONS:** Include total amount of forfeited funds on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.

B) Seized Funds ..... \$ - 0 -

**INSTRUCTIONS:** Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. 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., the District Attorney's account.

**II. Seizures and Forfeiture Receipts during Reporting Period**

**A) Currency and Negotiable Instruments**

1) Amount Seized by Reporting Agency ..... \$ - 0 -

**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.

2) Amount Forfeited to and Received by Reporting Agency (including interest) ..... \$ - 0 -

**INSTRUCTIONS:** Do not include amounts forfeited but not yet received by your agency; Interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.

3) Amount Returned to Defendants ..... \$ - 0 -

**B) Other Property**

List the number of items seized for the following categories. Include only those seizures where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by the agency filing this report. If property is sold or is to be sold, list under "Proceeds Received by Reporting Agency from Sale of Above-Listed Property" (see below) in the reporting year in which the proceeds are received.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	0		
2) REAL PROPERTY (Count each parcel seized as one item)	0		
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	0		
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	0		
5) Other Property: Description: _____	0		
Other Property: Description: _____	0		
Other Property: Description: _____	0		

III. Proceeds Received by Reporting Agency from Sale of Above-Listed Property (Categories 1 through 5).....

5 - 0 -

**INSTRUCTIONS:** Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period.

IV. Forfeited Property and Proceeds Received From Another Agency

**INSTRUCTIONS;** Enter the total dollar amount or total number of items received pursuant to a sharing agreement where the forfeiture judgment awarded ownership of the property to another agency prior to it being transferred to your agency.

A. Proceeds - (should be a dollar amount).....

5 - 0 -

B. Vehicles - (should be a number not a currency amount).....

- 0 -

C. Other - (should be a number not a currency amount).....

- 0 -

V. Interest Earned on Forfeited Funds During Reporting Period.....

5 - 0 -

**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 earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.

**VI. Expenditures**

**INSTRUCTIONS:** List the total amount expended for each of the following categories. This category is **ONLY** for expenditures made from Chapter 59 funds. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the "Other" category.

Salaries.....		\$ - 0 -
Overtime.....		\$ - 0 -
Equipment (includes vehicles, computers & software, maintenance costs, etc.).....		\$ - 0 -
Supplies (includes cellular air time, miscellaneous commodities).....		\$ - 0 -
Travel.....		\$ - 0 -
Training.....		\$ - 0 -
Paid to or Shared with Cooperating Agency.....		\$ - 0 -
Confidential Informant Payments.....		\$ - 0 -
Prevention / Treatment Programs.....		\$ - 0 -
Facility Costs (building purchase, lease payments, remodeling, maintenance fees etc.).....		\$ - 0 -
Miscellaneous Fees (bank account service charges, insurance, audit fees, witness fees etc.).....		\$ - 0 -
Other: (attach additional sheets if necessary)		
Description: _____	\$ - 0 -	
Description: _____	\$ - 0 -	
Description: _____	\$ - 0 -	
<b>TOTAL EXPENDITURES:</b> .....		Other Total \$ - 0 - \$ - 0 -

**CERTIFICATION**

COUNTY JUDGE, MAYOR OR OTHER  
APPROPRIATE HEAD OF GOVERNING  
BODY OR DESIGNEE:

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**RETURN COMPLETED FORM TO:**

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

[rence.gray@oag.state.tx.us](mailto:rence.gray@oag.state.tx.us)  
(512)305-8882