

# 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)

January 05, 2011

Mr. Daniel Marichalar, Chief Deputy  
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, 2010  
Report No. 2010-08

Dear Mr. Marichalar:

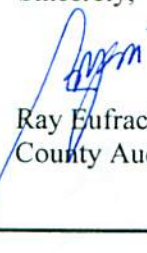
Code of Criminal Procedure Chapter 59 "Forfeiture of Contraband" requires all law enforcement agencies and attorneys representing the state who receive proceeds or property under chapter 59 to account for the seizures, forfeitures, receipts, and expenditures. Commissioners' Court is required to conduct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

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

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 obtain Commissioners' Court approval, please submit the report no later than Friday, January 21, 2011. 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, Carlos Ramirez, Internal Auditor I, at 318-2511 ext.4654, Letty Chavez, Internal Auditor III, at 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, 12<sup>th</sup> D.C.

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

J. R. "BOBBY" FLORES  
JUDGE, 139<sup>th</sup> D.C.

ROSE GUERRA REYNA  
JUDGE, 206<sup>th</sup> D.C.

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

MARIO E. RAMIREZ, JR.  
JUDGE, 322<sup>nd</sup> D.C.

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

LETIGIA LOPEZ  
JUDGE, 389<sup>th</sup> D.C.

AIDA SALINAS FLORES  
JUDGE, 398<sup>th</sup> D.C.

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

JESSE CONTRERAS  
JUDGE, 449<sup>th</sup> D.C.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 28, 2010

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

RE: FY 2010 Chapter 59 Asset Forfeiture Audit Reporting Form

Dear Constable Marichalar:

Enclosed is an asset forfeiture reporting form that must be filed with the Office of the Attorney General by any law enforcement agency that has the authority to receive property forfeited under Chapter 59 of the Code of Criminal Procedure. The statutory definition of law enforcement agency includes any agency that has the authority to hire peace officers or receive property. This report must be filed no later than the 60<sup>th</sup> day after the end of your local fiscal year. The law setting out these requirements may be found in Article 59.06(g) of the code. Please be aware that failure to file the required report in a timely manner may result in an audit by the state comptroller and that the costs of such an audit may be assessed against the agency failing to report.

If you should have any questions, please feel free to contact me or a member of my staff at the phone number or e-mail address found on the last page of the reporting form. Thank you for your cooperation.

Sincerely,

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

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

**FY 2010  
CHAPTER 59 ASSET FORFEITURE REPORT  
BY LAW ENFORCEMENT AGENCY**

Agency Name: Hidalgo County Constable Reporting Period: 01/01/10 - 12/31/10  
 (local fiscal year)  
 Agency Mailing Address: P.O. Box 324 Pct. 5 example: 01/01/10 to 12/31/10,  
Elsa, TX 78543 09/01/09 to 08/31/10 etc.  
 Phone Number: (956) 262-4200  
 County: Hidalgo  
 Email Address: \_\_\_\_\_ This should be a permanent agency email address

**NOTE: PLEASE ROUND ALL DOLLAR FIGURES 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 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. \$ Ø

B) Seizures During Reporting Period:  
**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.

1) Amount seized and retained in your agency's custody..... \$ Ø

2) Amount seized and transferred to the District Attorney pending forfeiture..... \$ Ø

C) Amount Returned to Defendants/Respondents (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)..... \$ Ø

D) Ending Balance ..... \$ Ø  
**Instructions:** Add lines A and B(1), subtract line C, put total in line D.

**II. FORFEITED FUNDS**

A) Beginning Balance.....  
**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 beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency. \$ 1622.00

B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period.....  
**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. \$ Ø

- C) Interest Earned on Forfeited Funds During Reporting Period .....  
**Instructions:** Enter amount of interest earned on funds in your agency's forfeiture account during the reporting period. 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. \$ Ø
- D) Proceeds Received by Your Agency From Sale of Forfeited Property.....  
**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. \$ Ø
- E) Total Expenditures of Forfeited Funds During Reporting Period .....  
**Instructions:** From Total on Section VI. \$ Ø
- F) Ending Balance.....  
**Instructions:** Add lines A through D, subtract line E, place total in line F. \$ 1,672.00

**III. OTHER PROPERTY**

**Instructions:** List the number of items seized for the following categories. Include 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 - 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	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)				Ø
2) REAL PROPERTY (Count each parcel seized as one item)				Ø
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)				Ø
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)				Ø
5) Other Property - Description: _____				Ø
Other Property -Description: _____				Ø
Other Property -Description: _____				Ø

**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
- 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 law enforcement purposes - 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..... \$ 0
  - 1. Vehicles..... \$ 0
  - 2. Computers..... \$ 0
  - 3. Firearms, Vests, Personal Equipment ..... \$ 0

4.	Furniture.....	\$	0
5.	Software.....	\$	0
6.	Maintenance Costs.....	\$	0
7.	Uniforms.....	\$	0
8.	K9 Related Costs.....	\$	0
9.	Other (Provide Detail on Additional Sheet).....	\$	0
D)	Total Supplies Paid Out of Chapter 59 Funds.....	\$	0
1.	Office Supplies.....	\$	0
2.	Cellular Air Time.....	\$	0
3.	Internet.....	\$	0
4.	Other (Provide Detail on Additional Sheet).....	\$	0
E)	Total Travel Paid Out of Chapter 59 Funds.....	\$	0
1.	In State Travel		
	a) Hotel.....	\$	0
	b) Air Fare.....	\$	0
	c) Meals (including per diem).....	\$	0
	d) Car Rental.....	\$	0
2.	Out of State Travel		
	a) Hotel.....	\$	0
	b) Air Fare.....	\$	0
	c) Meals (including per diem).....	\$	0
	d) Car Rental.....	\$	0
3.	Fuel.....	\$	0
4.	Parking.....	\$	0
5.	Other (Provide Detail on Additional Sheet).....	\$	0
F)	Total Training Paid Out of Chapter 59 Funds.....	\$	0
1.	Fees (Conferences, Seminars).....	\$	0
2.	Materials (Books, CDs, Videos, etc.).....	\$	0
3.	Other (Provide Detail on Additional Sheet).....	\$	0
G)	Total Investigative Costs Paid Out of Chapter 59 Funds.....	\$	0
1.	Informant Costs.....	\$	0
2.	Buy Money.....	\$	0
3.	Lab Expenses.....	\$	0
4.	Other (Provide Detail on Additional Sheet).....	\$	0

H)	Total Prevention / Treatment Programs/ Financial Assistance (pursuant to Articles 59.06 (h), (l), (j), (n)).....	\$	0
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.....	\$	0
	1. Court Costs .....	\$	0
	2. Filing Fees .....	\$	0
	3. Insurance .....	\$	0
	4. Witness Fees .....	\$	0
	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).....	\$	0
L)	TOTAL EXPENDITURES.....	\$	0

**NOTE: BOTH CERTIFICATIONS NEED TO BE COMPLETED, unless your agency is not governed by a Commissioner's Court or City Council. Then only the Agency Head Certification needs to be completed.**

**CERTIFICATION**

COUNTY JUDGE or MAYOR  
(Printed Name): \_\_\_\_\_

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

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

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 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 of the required information.

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

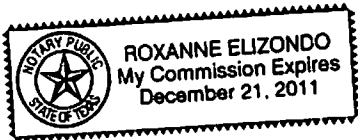
\_\_\_\_\_  
Notary Public in and for the State of Texas

**CERTIFICATION**

AGENCY HEAD (Printed Name): \_\_\_\_\_  
SIGNATURE: Daniel Marichalgar  
DATE: 2/9/11

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, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

SWORN TO AND SUBSCRIBED before me this 9 day of February, 2011.



Roxanne Elizondo  
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)