

**FY 2011 Chapter 59 Asset Forfeiture Report  
by Attorney Representing the State**

Agency Name: Criminal District Attorney Reporting Period: 09/01/10 - 08/31/11  
(example: 9/1/10- 08/31/11)

Agency Mailing Address: 100 N. Closner Blvd.  
Edinburg, Texas 78539

County: Hidalgo

Phone number: 956-381-2300

Email Address: Rene.Guerra@da.co.hidalgo.tx.us (This should be a permanent agency email address)

NOTE: PLEASE ROUND ALL DOLLAR AMOUNTS TO NEAREST WHOLE DOLLAR

**I. SEIZED FUNDS**

A) Beginning Balance: <b>Instructions:</b> 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. <b>Do not</b> include funds that are in an account held by another agency, e.g. a police department's account.	\$ 710,676
B) Seizures During Reporting Period:  1) Amount Seized By Employees of Your Agency: <b>Instructions:</b> 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
2) Amount Seized by Other Agencies: <b>Instructions:</b> Include only amounts seized by other agencies in your jurisdiction and which have been transferred to your office for custody pending forfeiture.	\$ 760,547
C) Forfeiture Petitions Filed For All Agencies You Represent: <b>Instructions:</b> Enter the <b>total amount</b> 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. <b>Note:</b> 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).	\$ 630,374
D) Forfeitures Pending For All Agencies You Represent: <b>Instructions:</b> Enter the <b>total amount</b> 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).	\$ 216,953
E) Interest Earned on Seized Funds During Reporting Period: <b>Instructions:</b> 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.	\$ 909
F) Amount Returned To Defendants/Respondents:	\$ 175,149
G) Amount Transferred to Forfeiture Account: <b>Instructions:</b> Include all amounts in your agency's possession forfeited during the reporting period and transferred to your forfeiture account.	\$ 204,357

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 HIDALGO COUNTY

H) Ending Balance: <b>Instructions:</b> Add lines A, B(1), B(2) and E, subtract lines F and G, place total in line H.	\$ 1,092,625
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**II. FORFEITED FUNDS**

A) Beginning Balance: <b>Instructions:</b> 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.	\$ 3,081,719
B) Amount Forfeited For All Agencies You Represent and Covered by Local Agreement: <b>Instructions:</b> 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.	\$ 509,528
1) Amount Forfeited and Transferred to all Agencies Covered by Local Agreement: <b>Instructions:</b> Do not include amounts forfeited but not yet transferred to these agencies. Include interest that has been forfeited as part of the judgment.	\$ 305,171
2) Amount Forfeited and Received by Your Agency: <b>Instructions:</b> 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.	\$ 204,357
C) Interest Earned on Forfeited Funds During Reporting Period: <b>Instructions:</b> 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.	\$ 212,852
D) Proceeds Received by Your Agency From Sale of Forfeited Property: <b>Instructions:</b> Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period.	\$ 70,690
E) Total Expenditures of Forfeited Funds During Reporting Period: <b>Instructions:</b> From Total on Section VI.	\$ 455,573
F) Amount deposited to State Treasury to the Credit of the General Revenue Fund Due to Lack of Local Agreement (Art. 59.06 (a)):	\$ --
G) Ending Balance: <b>Instructions:</b> Add lines A, B(2), C and D, subtract lines E and F, place total in line G.	\$ 3,114,044

**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.

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:	89	6	0	0	10
Seized by your agency during reporting period:	11	0	0	0	7
New petitions filed for all agencies during reporting period:	166	2	1	4	25
Forfeited to your agency during reporting period:	8	0	0	0	4
Put into service by your agency during reporting period:	0	0	0	0	0
Pending for all agencies at end of reporting period:	78	3	0	2	16

**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 OR LOANED 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 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) SALARIES**

1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$ 370,998
2. Salary Budgeted Solely From Forfeited Funds:	\$ 407,848
3. Number of employees Paid Using Forfeiture Funds:	60
<b>TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 370,998</b>

**B) OVERTIME**

1. For employees Budgeted by Governing Body:	\$
2. For Employees Budgeted Solely out of Forfeiture Funds:	\$
3. Number of employees Paid Using Forfeiture Funds:	
<b>TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 0</b>

**C) EQUIPMENT**

1. Vehicles:	\$
2. Computers:	\$ 9,318
3. Firearms, Vests, Personal Equipment:	\$
4. Furniture:	\$
5. Software:	\$ 18,930
6. Maintenance Costs:	\$
7. Uniforms:	\$
8. K9 Related Costs:	\$
9. Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:</b>	<b>\$ 28,248</b>

**D) SUPPLIES**

1. Office Supplies:	\$ 5,211
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2. Cellular Air Time:	\$
3. Internet:	\$
4. Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:</b>	<b>\$ 5,211</b>

**E) TRAVEL**

1. Total In State Travel	\$
a) Lodging:	\$ 7,157
b) Air Fare:	\$
c) Meals (including per diem):	\$
d) Car Rental:	\$
2. Total Out of State Travel	\$
a) Lodging:	\$
b) Air Fare:	\$
c) Meals (including per diem):	\$
d) Car Rental:	\$
3. Fuel :	\$
4. Parking :	\$
5. Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 7,157</b>

**F) TRAINING**

1. Fees (Conferences, Seminars):	\$ 7,989
2. Materials (Books, CDs, Videos, etc.):	\$
3. Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 7,989</b>

**G) INVESTIGATIVE COSTS**

1. Informant Costs:	\$
2. Buy Money:	\$
3. Lab Expenses:	\$
4. Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 0</b>

**H) PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE  
(pursuant to Articles 59.06 (h), (l), (j), (n), (o))**

1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$ 517
2. Total Financial Assistance (pursuant to 59.06 (n) and (o)):	\$
<b>TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (PURSUANT TO ARTICLES 59.06(h), (l), (j), (n), (o)):</b>	<b>\$ 517</b>

**I) FACILITY COSTS**

1. Building Purchase:	\$
2. Lease Payments:	\$
3. Remodeling:	\$
4. Maintenance Costs:	\$
5. Utilities:	\$
6. Other (Provide Detail on Additional Sheet) :	\$
<b>TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 0</b>

**J) MISCELLANEOUS FEES**

1. Court Costs:	\$ 27,136
2. Filing Fees:	\$
3. Insurance:	\$
4. Witness Fees:	\$
5. Audit Costs and Fees:	\$
6. Other (Provide Detail on Additional Sheet) :	\$
<b>TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$ 27,136</b>

**K. TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:**

	\$ 646
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**L) TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):**

	\$ 7,669
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**M) TOTAL EXPENDITURES:**

	\$ 455,573
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**BOTH THE COMMISSIONERS COURT AND ATTORNEY REPRESENTING THE STATE  
CERTIFICATIONS MUST BE COMPLETED**

**NOTE: ART. 59.06(g)(1)** requires the Commissioners Court to perform the audit.

**CERTIFICATION**

I swear or affirm that the Commissioners Court has conducted the audit required by Article 59.06 of the Code of Criminal Procedure, unless after due inquiry, it has been determined that no accounts, funds or other property pursuant to Chapter 59 of the Code of Criminal Procedure are being held or have been transacted in the relevant fiscal year by the agency for which this report is being completed, 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.

COUNTY JUDGE (Printed Name): Ramon Garcia  
SIGNATURE: \_\_\_\_\_  
COUNTY: Hidalgo  
DATE: \_\_\_\_\_

**CERTIFICATION**

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.

ATTORNEY REPRESENTING THE  
STATE (Elected Official) (Printed  
Name): Rene Guerra  
SIGNATURE: \_\_\_\_\_  
DATE: November 3, 2011

**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  
E-mail: [kent.richardson@oag.state.tx.us](mailto:kent.richardson@oag.state.tx.us)

**WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL  
THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE  
ADDRESS ABOVE.**

III. OTHER PROPERTY

	Description
Pending for all agencies at beginning of reporting period:	40 Bags of Mariguana; 66 Miscellaneous Power Tools; 3 Craftsman Professional Air Compressors; 3 Seco Gramatech Vacuum Sealers; 1 Sanyo 32" Flat Screen TV; 1 H264 8CH Digital Video Recorder; 160 Hall and Closet Doors; 1 Peavy PA/DJ Mixer; 1 Stanton CD Player; 1 Magnavox CD/DVD Player; Martin Ranger NK-450 Microphone; 183 Various CD's; 4 22" Ruff Racing Custom Wheels and Tires; 22 Miscellaneous Wooden Furniture and Toy Sets; 6 4" x 8" Picnic Tables; 3 Children's Picnic Tables; 1 Rustic Wood Swings; 1 Bench; 4 Swing Chain Bench; 3 Table Bench Combos and 4 Children's See-Saws; 8 Miscellaneous Electronic Items; 12 Pallets of Pavers
Seized by your agency during reporting period:	2004 Big Tex Utility Trailer; 9 Refrigerating Mixing Units w/ 16 Motors Attached; 24 Pallets of 1.7 Cubic Ft. small Refrigerators; 1 J.E.T Pallet Jack; 1 Chrome Ramp; 1 Great Dane Trailer; 2000 Great Dane Trailer; 1995 Lufkin Trailer; 2000 Wabash Reefer; 2000 Great Dane Trailer
New petitions filed for all agencies during reporting period:	2004 Big Tex Utility Trailer; 9 Refrigerating Mixing Units w/ 16 Motors Attached; 24 Pallets of 1.7 Cubic Ft. small Refrigerators; J.E.T Pallet Jack SN: 70501711; Chrome Ramp; 2004 Utility 3000R Reefer Box Trailer; Odes Jaguar ATV; Sanyo Flat Screen TV; Sony DVD Player; a Ryobi Sander; Dewalt 18V Cordless Drill; Flat Screen TV; I LO-26HD; 29 cans of Mountain House Freeze Dried Foods; 2009 Carry On Utility Trailer; 2006 Fontaine Flatbed Semi-Trailer; Great Dane Trailer; 8 Miscellaneous Varieties of Tools; TV 42" Insignia; 2000 Great Dane Trailer; 1995 Lufkin Trailer; Wabash Refer; 1999 Great Dane Reefer Trailer; 2 Werner 12' Fiberglass Step-Ladders; 2006 Flatbed Trailer; 2001 Utility Refrigerated Trailer; 200 Great Dane Trailer; TV Samsung 50" Plasma; Samsung Plasma 50" TV set; Sentry Digital Floor Safe; 2 30 Gallon Air Compressors; Gramatech Industrial Vacuum Sealer; 1999 Transcraft Flatbed Trailer
Forfeited to your agency during reporting period:	2004 Big Tex Utility Trailer; 9 Refrigerating Mixing Units w/ 16 Motors Attached; 24 Pallets of 1.7 Cubic Ft. small Refrigerators; 1 J.E.T Pallet Jack; 1 Chrome Ramp; 1 Great Dane Trailer; 160 Hall and Closet Doors
Pending for all agencies at end of reporting period:	40 Bags of Mariguana; 29 cans of Mountain House Freeze Dried Foods; 1 TV 42" Insignia; 2000 Great Dane Trailer; 1995 Lufkin Trailer; 2000 Wabash Reefer; 1999 Great Dane Reefer Trailer; 2 Werner 12' Fiberglass Step-Ladders; 2006 Flatbed trailer; Utility Refrigerated Trailer; 2000 Great Dane Trailer; 2007 Lowe Boat; 2007 Boat Trailer; 2008 ATV yellow; 2008 ATV red; TV Samsung 50" Plasma; Samsung Plasma 50" TV set; Sentry Digital Floor Safe; 2 30 Gallon Air Compressors; Gramatech Industrial Vacuum Sealer; 1999 Transcraft Flatbed Trailer; 4 22" Ruff Racing Custom Wheels and Tires

## L.) Total Other Paid

Physician Services	\$ 300
Computer Services	\$5,006
Info & Credit Services	\$1,428
Hualing & Freight	\$ 935
L.) Total Other Paid	<u>\$7,669</u>