

Manuel Rodriguez

DC-18-
NO. _____

STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	
	§	OF DALLAS COUNTY, TEXAS
ONE THOUSAND ONE HUNDRED	§	
SEVENTY-FOUR DOLLARS IN	§	
UNITED STATES CURRENCY		_____ JUDICIAL DISTRICT

ORIGINAL NOTICE OF SEIZURE
AND INTENDED FORFEITURE

COMES NOW P. Lickwar # 10722, an officer of the Dallas Police Department and in the name and for the State of Texas, files this Original Notice of Seizure and Intended Forfeiture of ONE THOUSAND ONE HUNDRED SEVENTY-FOUR DOLLARS (\$1,174.00) IN UNITED STATES CURRENCY and in support of such relief would show the following:

I.

This suit is brought in accordance with Chapter 59 of the Texas Code of Criminal Procedure, is within the Court’s jurisdiction, is filed as a Level One discovery case, is seeking monetary relief of \$100,000.00 or less, and is governed by the expedited actions process.

II.

Plaintiff complains of Ryan DOB 1984, who may be served with process at
Avenue, Dallas, Dallas County, Texas

III.

Plaintiff asserts that the said currency is contraband and is subject to seizure and forfeiture as provided by Chapter 59 of the Texas Code of Criminal Procedure.

IV.

Plaintiff asserts that the seizure of the aforementioned contraband occurred on the 31st day of December, 2017, in Dallas County, Texas.

V.

Plaintiff alleges that the seizure of the aforementioned contraband was made pursuant to a lawful arrest, pursuant to a lawful search and pursuant to a lawful search incident to arrest.

VI.

Plaintiff alleges that the said currency is contraband in that it was used or intended to be used in the commission of a felony under Chapter 481 of the Texas Health and Safety Code and was the proceeds gained from one or more of the following felonies, to-wit: unlawful delivery of a controlled substance.

VII.

Plaintiff alleges that on December 31, 2017, the contraband became subject to forfeiture in that officers were dispatched to a possible drunk person at 1701 Skillman Street, Dallas, Dallas County, Texas. Claimant was arrested for unlawfully carrying a weapon. A search of the car after arrest revealed approximately 6.3 grams of heroin, 0.6 grams of alprazolam, digital scales, the money and numerous empty plastic baggies commonly used for the distribution of illegal substances.

VIII.

Plaintiff, acting in compliance with Article 59.04(b), attaches the sworn statement of the seizing officer as Exhibit A.

IX.

Plaintiff would state that the said currency is more particularly described in Schedule A of the seizing officer's sworn statement.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this petition be considered an Original Notice of Seizure and Intended Forfeiture and that citation issue to those parties as set out in this petition; that upon hearing this Court find that said ONE THOUSAND ONE HUNDRED SEVENTY-FOUR DOLLARS (\$1,174.00) IN UNITED STATES CURRENCY is contraband as defined in the Texas Code of Criminal Procedure, Article 59.01(2) and that the Court allow forfeiture of the above described property to the State of Texas by and through the office of the Criminal District Attorney of Dallas County, Texas as agent for the State and in accordance with its local agreement with the Dallas Police Department, subject only to any interest of the bona fide holder of the perfected lien or perfected security interest on said contraband and that the property be disposed of pursuant to Article 59.06 of the Texas Code of Criminal Procedure and that all costs be taxed against the Claimant in this cause and for such other relief at law and equity as the Plaintiff shall be entitled to receive.

Respectfully submitted,
Faith Johnson
Dallas County District Attorney
Dallas County, Texas

A handwritten signature in black ink that reads "John Sholden". The signature is fluid and cursive, with a large loop at the end of the last name.

John Sholden
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ATTORNEY FOR PLAINTIFF

AFFIDAVIT

Came unto me this day, Peter Lickwar, #10722, a person known to me and upon oath swears as follows:

My name is Peter Lickwar, #10722. I am over the age of eighteen, have personal knowledge of the facts asserted in this affidavit, and am competent to testify to those facts. I swear the following is true and correct to the best of my knowledge.

Affiant, Peter Lickwar, #10722, is employed as a Police Officer by the City of Dallas, Department of Police, and presently assigned to the Central Patrol Division of the Police Department.

On December 31, 2017 at approximately 12:08am, Officers Lickwar, P #10722 and Hughes, J #8648 were dispatched on a call involving a possible drunk person hanging out of a parked vehicle on 1701 Skillman St., Dallas, Dallas County, TX. Upon arrival, Officers observed a _____, Ryan _____ (W/M/ _____), halfway into the front passenger side of his vehicle, a Blue 2013 Cadillac SRX. Mr. _____ appeared to be looking for something in the area around the front passenger seat and the center console. Officers contacted Mr. _____ and Officer Hughes was about to perform a Terry Frisk of Mr. _____ to check for weapons when _____ openly admitted to having a firearm in the front of his waistband. Officer Hughes located a paddle holstered black Taurus 9mm pistol, concealed in the front of _____ waistband. When asked, _____ admitted that he did not have a proper license to allow him to carry the firearm. Mr. _____ was arrested for unlawful carry of a weapon.

During a search incident to arrest, Officers recovered 6.3 grams of heroin, packaged in several separate baggies, two tablets of alprazolam (Xanax) in a blue unmarked prescription-style pill bottle, and 75.4 grams of an unknown substance all bagged together in _____ right front jacket pocket. Officers also seized a total of \$1,174.00 in U.S. currency in various denominations during the incident. Most of the money was found in the same right front jacket pocket as the drugs. A small amount of the money was found inside and around the center console of _____ vehicle along with numerous empty clear plastic baggies commonly used in the distribution of illegal substances. When asked why _____ had been carrying so much stray cash, he responded that his family bought and sold cars on Craigslist and that he always carried that amount of money just in case. In addition to the stray bills found inside the vehicle, the money was found bundled in wads, in a wallet, and banded together in a rubber band. Officers also seized a butane lighter and small can of butane fuel from the center console, two used syringes from the driver side door panel, and a digital scale with drug residue underneath the front passenger seat.

Officers recovered 6.3 grams of heroin, 0.6 grams of alprazolam, 75.4 grams of an unknown substance, a digital drug scale, two syringes, a butane lighter, extra can of butane fuel, a firearm and \$1,174.00 in U.S. currency. All evidence was deposited in the Baylor St property room. Due to the presence of heroin, alprazolam, a drug scale, empty baggies, and a firearm, Affiant believes the \$1,174.00 was used or was intended to be used in narcotics transactions. Mr. _____ was arrested for Man Del Heroin, Possession Controlled Substance (Alprazolam), and UCW.

Exhibit "A"

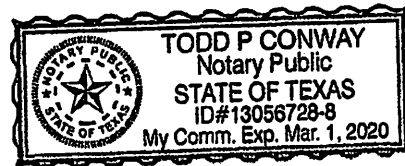
1. Affiant seized the U.S. Currency described in Schedule "A" attached hereto. Affiant contends that said currency is contraband and that said currency was used or intended to be used in the Manufacture/Delivery of Controlled Substance: Heroin.

T. L. Lister 10722
AFFIANT

SWORN TO AND SUBSCRIBED before me on the 12TH day of JANUARY, 2018.

[Signature]
Notary in and for the State of Texas

My Commission expires: 3-1-2020



Schedule 'A'
Seized Currency

Quantity	Amount	
3	\$300	UNITED STATES FEDERAL RESERVE NOTE \$100
4	\$200	UNITED STATES FEDERAL RESERVE NOTE \$50
19	\$380	UNITED STATES FEDERAL RESERVE NOTE \$20
23	\$230	UNITED STATES FEDERAL RESERVE NOTE \$10
10	\$50	UNITED STATES FEDERAL RESERVE NOTE \$5
14	\$14	UNITED STATES FEDERAL RESERVE NOTE \$1

SUBTOTAL: \$1,174.00

TOTAL COIN: \$0.00

TOTAL: \$1,174.00