

TOM GREEN COUNTY



San Angelo, Texas

OFFICE OF THE County Auditor

November 19, 2021

The Honorable Allison Palmer, 51st Judicial District Attorney
The Honorable John Best, 119th Judicial District Attorney
124 West Beauregard Avenue
San Angelo, Texas 76903

Dear Ms. Palmer and Mr. Best,

We have completed our review of the District Attorneys' financial records for the period of October, 2020, through March, 2021. We traced all Seizure and Escrow receipts and disbursements to the ledgers and the bank statements. We sampled Escrow receipts and traced them to the Laser fiche. We reviewed a sample of Pre-Trial Diversion (PTD) receipts and noted the fee, contract, attorney, and payor. We also examined the bank reconciliations.

While reviewing the Pre-Trial Diversion (PTD) receipts, we found that a \$1,500.00 PTD fee was received on one case. The Code of Criminal Procedure Art. 102.0121 sets the PTD fee to no more than \$500.00. There was some initial confusion, because in the case records the \$1,500 was listed as a fine, but there was no conviction as the defendant was entering the pre-trial program. After inquiring about the payment, we were informed that the prosecuting attorney had negotiated the amount with the defense as the pre-trial diversion fee, and the prosecutor was unaware of the statute limitation on the amount. On this case, we recommend refunding the \$1,000.00 PTD overpayment to the defendant's attorney, who originally paid the fee, at the earliest possible time.

There were also a few instances where clerical errors were made with the Seizure documentation and on the Seizure Log. The errors included only having two of the three required signatures on the Currency Seizure form and an incorrect seizure date. Documenting that three individuals verified the amount seized is an invaluable tool to confirm that the correct amount is recorded in the Seizure records. The accuracy of the Seizure Log is vital as it is one of the primary sources used for State and Federal Forfeiture reporting. We recommend double checking the accuracy of all entries made on the Seizure Log.

There were other minor items we discovered and discussed separately with your staff. Thank you for all of your assistance and for providing the documentation needed to complete this review. Please contact us with any additional questions or concerns.

Very cordially,

Nathan Craddock
County Auditor

Cc: The Honorable Jay Weatherby
51st Judicial District Judge

The Honorable Commissioners Court
Tom Green County, Texas