

NUISANCE ABATEMENT MANUAL

Fourteenth Edition
2005



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

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Criminal Law
Enforcement Division

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**TEXAS ATTORNEY GENERAL'S
NUISANCE ABATEMENT MANUAL 2005**

TABLE OF CONTENTS

Introduction	1
Summary	3
Gang Abatement	6
Targeting a Nuisance Location	9
Investigation	11
Case File Checklist	18
Meeting and/or Lawsuit	19
Insufficient evidence	19
Sufficient evidence	20
Plan for Property Closure	8
Nuisance Abatement Statistics	21
Attachments	
A. Chapter 125 of the Texas Civil Practice & Remedies Code	25
B. Section 101.70 of the Texas Alcoholic Beverage Code	37
C. Summary of Illegal Activity	39
D. Notification Letter	53
E. Guidelines of Operation	55
F. Officer Declarations	59

INTRODUCTION

Chapter 125 of the Texas Civil Practice & Remedies Code and Section 101.70 of the Texas Alcoholic Beverage Code are considered the “Texas Nuisance Abatement Statutes.” These statutes permit law enforcement agencies to close any piece of property involved in illegal activities, including violations of the Texas Penal Code, the Texas Alcoholic Beverage Code and the Texas Controlled Substances Act.

The Office of the Attorney General (OAG) helps Texas municipalities, local prosecutors and law enforcement agencies (including police departments, sheriff’s offices, task forces and the Texas Alcoholic Beverage Commission) in targeting, processing and filing suit against property owners who allow public and common nuisances to exist on their property. The purpose of a nuisance abatement lawsuit is not to show or prove that the property owner is guilty of illegal acts, but rather to prove that the property owner allowed the illegal activity to occur on the property and failed to make reasonable attempts to stop it.

Many police departments have become skilled at this procedure and have great success on their own. When local law enforcement lacks the resources or experience in such cases, the OAG will send staff when requested to any area of the state to provide technical assistance in initiating the nuisance abatement process. Evidence will be compiled and sent to the OAG for review. Arrest reports, calls for police service and search warrants contained in local departmental records, as well as police officers’ and residents’ affidavits, are all used in this process. When the OAG determines that sufficient evidence exists, a lawsuit will be filed on behalf of the State. The OAG will provide legal representation for the duration of the lawsuit.

Once a property is determined to be a common nuisance, and after a successful suit, it is closed for a period of one year, unless the property owner posts a penal bond as required by the statutes. If the property owner posts the bond and the illegal activity continues in violation of the court order and in violation of the bond, the bond may be forfeited and the property will be mandatorily closed for a period of one year. If a public nuisance is found to exist due to gang activity, civil fines and jail terms for contempt of court may be imposed on those who violate the court orders.

In many instances, actual litigation is not required. When faced with the loss of income, bonds adding up to thousands of dollars, and the threat of forfeiture of those bonds, many owners enter into a voluntary abatement of the nuisance.

The nuisance laws can have a positive effect on locations that law enforcement agencies have spent numerous manhours policing. In addition, law enforcement agencies may see large monetary savings by reducing the need to respond to these locations in the future. In several instances, businesses that have permitted illegal activity for years have been successfully closed, reducing the burden on law enforcement as well as on the immediate community.

By denying criminal offenders the use of real property as a base of operations, and by securing the property owner's cooperation in the removal of criminal offenders, neighborhood revitalization can become a reality. Our goal at the OAG is not to abandon other conventional methods of law enforcement at these nuisance sites, but to supplement these efforts by providing an additional tool to address illegal activity in Texas communities.

SUMMARY

Which statutes are considered the “Texas Nuisance Abatement Statutes”?

- Chapter 125 of the Texas Civil Practice & Remedies Code
- Section 101.70 of the Texas Alcoholic Beverage Code

What kind of illegal activity can be addressed by the nuisance abatement statutes?

- Prostitution
- Obscenity
- Gambling
- Organized criminal activity
- Delivery, possession, manufacture or use of a controlled substance
- Discharge of a firearm
- Alcohol violations

What kind of illegal activity can the nuisance abatement statutes address on a multi-unit residential property located in a municipality?

- Prostitution
- Obscenity
- Gambling
- Organized criminal activity
- Delivery, possession, manufacture or use of a controlled substance
- Discharge of a firearm
- Alcohol violations
- Aggravated assault
- Sexual assault
- Aggravated sexual assault
- Robbery
- Aggravated robbery
- Unlawfully carrying a weapon
- Murder
- Capital murder

What type of property can be closed?

Any place in the State of Texas that is causing a nuisance as defined by the nuisance abatement statutes.

- Businesses of all kinds
- Private residences
- Apartments
- Motels
- Convenience stores
- Any type of property

Who can be sued?

- Owner(s) of real property
- Owner(s) of the business
- Lessee/renter of the property
- Manager of the property
- Management company
- The real property itself (in rem suit)
- Any combination of the above

How long will the property be closed if the lawsuit goes to trial and it is determined that the property is a nuisance?

- Under Chapter 125 of the Texas Civil Practice & Remedies Code, the property must be closed for a period of one year.
- Under Section 101.70 of the Texas Alcoholic Beverage Code, the property must be closed for a period of up to one year.

What can the owner do to prevent the property from being closed once a judgment is entered to close the property?

- Under Chapter 125 of the Texas Civil Practice & Remedies Code, the defendant can post a penal surety or cash bond of \$10,000 for a common nuisance.
- Under Section 101.70 of the Texas Alcoholic Beverage Code, the defendant can post a penal surety or cash bond of at least \$1,000 for a common nuisance. For the definition of a common nuisance as defined by Section 101.70 of the Texas Alcoholic Beverage Code, see Attachment B.

What happens if the defendant fails to post a bond and/or violates a temporary or permanent injunctive order and the illegal activities continue to take place on the property?

For a common nuisance, the defendant is subject to the following:

- Loss of bond through forfeiture
- Property closure for up to one year
- Fine of not less than \$1,000 nor more than \$10,000
- Confinement in jail for a term of not less than 10 nor more than 30 days
- Both fine and confinement

For a public nuisance (gang abatement), the defendant is subject to the following sentences for civil contempt:

- Fine of not less than \$1,000 nor more than \$10,000
- Confinement in jail for a term of not less than 10 nor more than 30 days
- Both fine and confinement

Does the case always go to trial?

No.

- A notification letter is sent to potentially cooperative property owners requesting a meeting to discuss the illegal activities that are occurring on their property. Operation guidelines to reduce illegal activities on the property will be discussed at the meeting. If the owner agrees to clean up the property and the referring agency observes improvement, a lawsuit is not filed. The property will be monitored for compliance.
- If a lawsuit is filed, the parties may enter into an Agreed Final Judgment. The amount of the bond to be posted, fees and property improvements are negotiated and incorporated into the agreement. The property is then closely monitored.

GANG ABATEMENT

Street gangs have become a problem in smaller towns as well as the larger cities in Texas. Regardless of the town size, the nuisance abatement statutes can help address gang problems. Under Subchapter D of Chapter 125 of the Texas Civil Practice & Remedies Code, both the gang itself and the places used by the gang to conduct criminal activities can be declared public nuisances.

The nuisance abatement statutes can be useful additions to the various methods law enforcement applies to stem the tide of gang activity. Removing the availability of places for gangs to gather can be very effective in disrupting the gang culture, thus making their activities less organized and more manageable for law enforcement.

A nuisance suit under this subchapter can be brought against the person who owns the property in question, the gang member(s) or both. In a successful suit, the court can enjoin the gang member(s) from engaging in criminal activity and can issue appropriate orders to prevent the continued use of the property for organized criminal activity. Any violations of these court orders can result in civil contempt charges for the offending defendant that can include fines and/or jail time. Additionally, violation of the court order can mean criminal liability under §71.021 of the Penal Code.

Examples of the types of remedies the court can impose on gang members and locations:

- The identification and delineation of “safety zones,” which typically reflect the geographic area in which the gang conducts its criminal activities.
- The imposition of curfews on identified gang members, making it illegal for them to be seen in public within the safety zone after a certain time of night.

- The enforcement of non-association orders which prevent identified gang members from associating in public with other gang members identified in the lawsuit.

TARGETING A NUISANCE LOCATION

The first step is to determine whether the illegal activity at the targeted property constitutes a common or public nuisance as defined in the nuisance abatement statutes. A nuisance abatement action should be considered and an investigation should be initiated if the answer to any of the following questions is “yes”:

- Is the property used for prostitution; gambling; the discharge of a firearm; organized criminal activity; the delivery, possession, manufacture or use of controlled substances; obscenity; gang activity; or violations of the Texas Alcoholic Beverage Code?
- Is a multi-unit residential property used for prostitution; gambling; the discharge of a firearm; organized criminal activity; the delivery, possession, manufacture or use of controlled substances; obscenity; aggravated assault; sexual assault; aggravated sexual assault; robbery; aggravated robbery; unlawfully carrying of a weapon; murder; capital murder; gang activity; or violations of the Texas Alcoholic Beverage Code?
- Is there a history of arrests for one or more of these illegal activities at the property?
- Will these illegal activities continue if legal action is not taken?
- Does the property have a reputation as a place to frequent for one or more of these illegal activities?
- Have the lives or businesses of people in the area surrounding the property suffered or been adversely affected by these illegal activities?

For the definitions of a common and public nuisance as defined by Chapter 125 of the Texas Civil Practice & Remedies Code, see Attachment A. For the definition of a common nuisance as defined by Section 101.70 of the Texas Alcoholic Beverage Code, see Attachment B.

INVESTIGATION

Most of the evidence needed to support the initiation of a nuisance abatement proceeding is contained in local law enforcement records. The evidence must be fully documented because it may be used in a court of law and discovered by the defendant. The most important evidence is that which shows that the property is a place to which persons habitually go for the purpose of those illegal activities addressed by the Texas Nuisance Abatement Statutes. This evidence can be obtained from arrest reports, citations, search warrants, incident reports, complaints and calls for police service at the property. Any documentation that can be compiled indicating illegal activity on the property for a two- to three-year time period may be used as evidence. If the investigation shows that an inordinate number of calls for police service have been made and six or more arrests for the same type of illegal activity have occurred in the last six months to a year, the case may be a good nuisance abatement case. However, the case must be submitted to the OAG for a more definite determination to be made.

Offense reports must establish the habitual use of the property for illegal activities. It is important that the offense reports indicate that the illegal activity occurred, began or ended on the targeted property or immediately adjacent to it. In other words, the crime must be firmly associated with the target property. The reports must identify the property and be specific in the narrative as to the connection between the crime and the property. For example, to state that a prostitute or drug dealer was observed “coming out of or going into the establishment or parking lot of the property” or that the “criminal activity occurred in the establishment or on the parking lot of the property,” clearly connects the crime to the property. Stating that the prostitute or drug dealer was observed “on the street or roadway in front of the establishment” does not necessarily connect the crime to the property.

Site visits and/or surveillance of the property should be conducted to evaluate the physical appearance of the property and to observe the nature of the illegal activities occurring on the property. The site visits will also serve to corroborate (or refute) complaints concerning the property. If code violations of any kind are observed, representatives from any other applicable agency should be contacted and requested to conduct inspections of the property.

During the investigation, compile a case file that consists of the sections mentioned below with the described information included. Many departments have an automated database that will provide statistical information.

- **Summary of Illegal Activity.** A general summary of the events occurring on the property and any pertinent information related to the investigation. Provide a list of all officers who have conducted investigations on the property and those officers who have made arrests on the property. Also, provide a list and give statistical data on calls for police service, general complaint citations and offense reports generated on the subject property. See Attachment C for examples of a summary of illegal activity.
- **General Complaint Citations.** Copies of all general complaint citations that have been issued on the property for the last three years or for whatever period the property has been operating.
- **Arrest Reports.** Copies of all arrest reports generated on the property for the last three years. Please provide a subsection for each category of offense that has occurred on the property. For example, place copies of all the arrest reports for narcotic violations in one section, alcohol violations in one section, prostitution

cases in one section, assault cases in one section, etc. While the property is under investigation, all arresting officers should provide written narratives for each arrest report. It is important that the prosecuting attorney be provided with all pertinent arrest reports up to the date of the court hearing, as the nuisance will have to be proven to be ongoing.

- **Final Dispositions.** Copies of all final dispositions or pending actions against any person arrested on the property for any of the illegal activities addressed by the statutes during a three-year period. Convictions of arrested persons and pending actions will support the allegation that the owner knew the illegal activity was occurring on the property.
- **Videotapes and Photographs.** Videotapes and photographs of illegal and/or disruptive activity on the property make excellent evidence. This evidence will provide demonstrative proof of how the property is maintained and how it is a nuisance to the neighborhood.
- **Search Warrants.** Copies of all search warrants served at the property, search warrant returns, and all arrest reports related to the search warrants should be included in this section. The probable cause articulated in the search warrants may contain additional information that will aid in the prosecution of the case.
- **Warrants.** Generate a summary of all active arrest warrants for persons who listed the subject property as their residence. This will identify individuals who have no legal relationship to the property yet claim it as their residence, or it may identify individuals who may be contributing to the problems on the property.

- **Correspondence, Documents and Notes.** Copies are needed of any correspondence, documents, notes or memos regarding the subject property. Copies of all communications between the property owner, employees, managers or any other people who have personal knowledge of the property should be included in this section. All registered or certified mail return receipts of correspondence and all documents evidencing an informal meeting with the property owner should be in this section. This will show the court that your law enforcement agency and the OAG have attempted to obtain the property owner's cooperation to address the illegal activity before filing suit in the case.
- **Officer Declarations.** Officer declarations should be obtained from every officer currently patrolling the neighborhood where the property is located, and from those who have previously patrolled the neighborhood. Officer declarations should also be obtained from every officer who has made an arrest, assisted on calls for police service or conducted investigations on the property. The declaration should state any observations of illegal activity, the officer's involvement with the property, the property's reputation and the officer's professional opinion of the property. See Attachment F for examples of an officer's declaration.
- **Citizen Declarations.** Citizens living in the vicinity of the property or persons associated with the property can provide helpful information regarding the illegal activities occurring on the property. Written statements in the form of letters, affidavits or declarations from citizens can be persuasive evidence. If a citizen is threatened by anyone, or if an act of violence has been committed against him or

her, we can request that the court order that any personal information obtained remain confidential.

- **Property and Property Owner Information.** The legal owner of the real property must be identified by obtaining a certified copy of the recorded deed (Warranty Deed or Deed of Trust) from the county clerk's office or a title agency. The deed will not only provide the name of the owner(s) of the real property, but it will also provide the legal description of the property. The owner(s) of the real property must not be confused with the owner of a business that may be located on the property. The legal owner may be an individual, a group of individuals (joint venture or partnership), or a corporation. Any other information that can be obtained regarding the property owner(s) may be added to this section. For example, if the owner owns any other property or businesses, or if he has a record of any kind, this information can be included. This section may also include the names, addresses, telephone numbers, driver's license numbers, photographs and criminal histories of owners, managers, employees, agents or persons who may be directly involved with the ownership or management of the property.
- **Declarations or Affidavits from Interviews.** Interviews conducted with citizens, informants and suspects will be very helpful to the case. They can aid in proving that the property has a reputation for illegal activities and can shed some light on other aspects of the property's history, such as who frequents the property, the types of concerns that they have with the property, what they have observed at the

property, how the property is maintained, how the illegal activity adversely affects your law enforcement agency, etc. Each statement should be documented, signed and notarized; in other words, it should be a written statement in the form of a signed declaration or affidavit.

- **Regulatory Agency Inspections.** All documents regarding investigations or inspections by regulatory agencies should be included in this section. Please provide a subsection for each applicable regulatory agency. The governing agency should coordinate its efforts with inspectors and investigators of regulatory agencies – this will not only benefit the case by providing additional evidence, but may also improve the property and help revitalize a deteriorating neighborhood. The property owners may make necessary improvements when they are issued citations for code violations. Since most illegal activities gravitate to neighborhoods that are poorly lit and maintained, such improvements may discourage illegal activity from occurring. Once you have contacted the regulatory agency and citations for code violations have been issued, you must keep communicating with the agency regarding the status and progress of the code violations. Regulatory agencies may differ in each city or county. Below is a list of the types of inspections that may be relevant to your jurisdiction. Telephone numbers can be found in the blue city or county government pages of your local telephone directory.

- Building (planning and development)
- Fire Marshal
- Noise Pollution
- Housing Code Enforcement

- Restaurant & Food Business
 - County Health Department Services
 - County Environmental Health Services
 - Texas Alcoholic Beverage Commission
 - County Sheriff's Office
- **Miscellaneous.** Items in this section should include information that may not be categorized in any other section of the notebook, but that will be helpful or relevant in prosecuting the case.

Once all the above-mentioned information has been compiled, submit the case file for review by the OAG. If you need assistance at any time during the investigation, feel free to contact the Criminal Law Enforcement Division of the OAG.

CASE FILE CHECKLIST

- _____ Summary of Illegal Activity. See page 13 and Attachment C.
- _____ General Complaint Citations. See page 13.
- _____ Arrest Reports. See page 13.
- _____ Final Dispositions. See page 14.
- _____ Videotapes and Photographs. See page 14.
- _____ Search Warrants. See page 14.
- _____ Warrants. See page 14.
- _____ Correspondence, Documents and Notes. See page 15.
- _____ Officer Declarations. See page 15 and Attachment F.
- _____ Citizen Declarations. See page 15.
- _____ Property and Property Owner Information. See page 16.
- _____ Declarations or Affidavits from Interviews. See page 16.
- _____ Regulatory Agency Inspections. See page 17.
- _____ Miscellaneous. See page 18.

MEETING AND/OR LAWSUIT

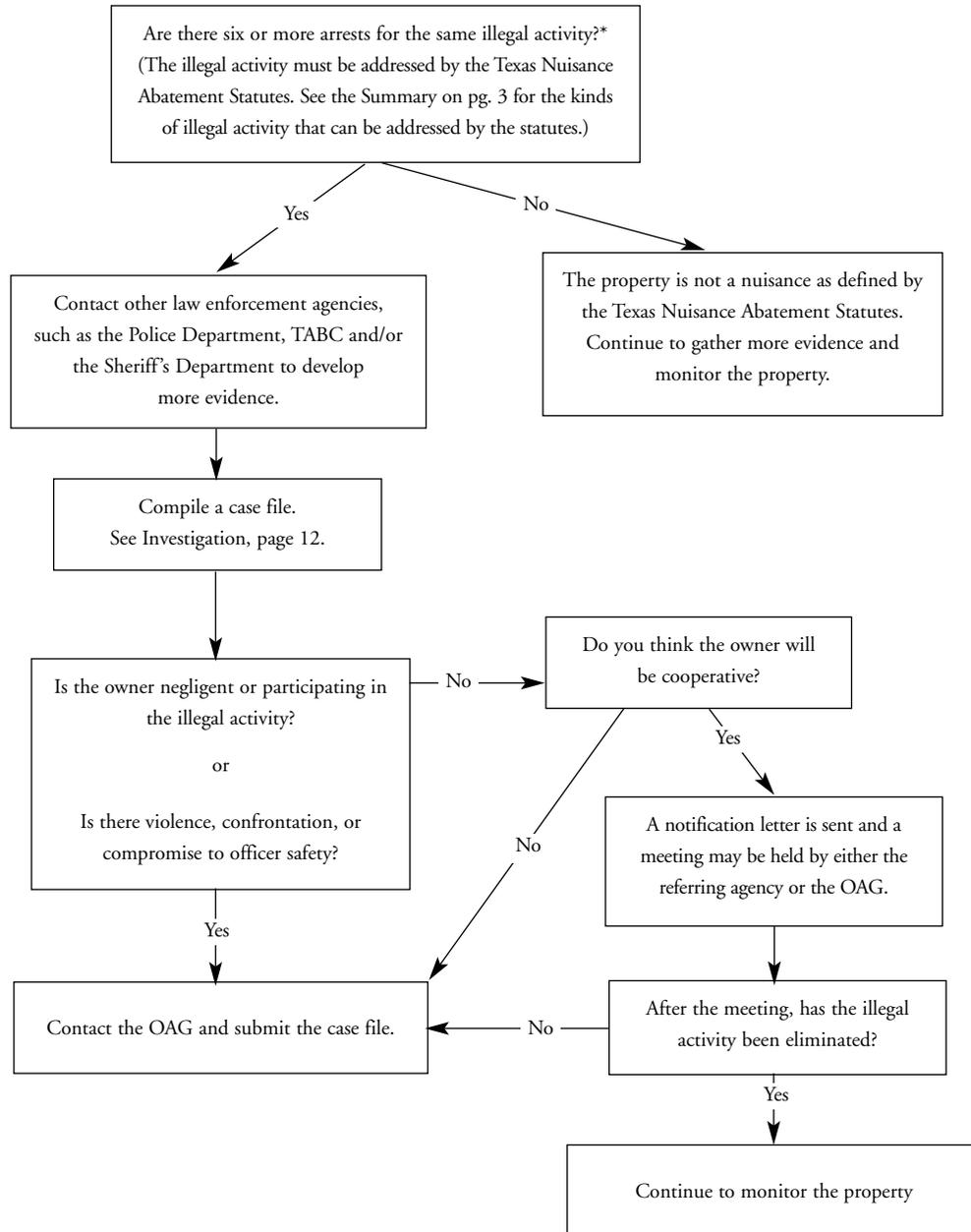
Insufficient evidence. If the OAG review determines that the information compiled by the referring agency is not sufficient to file suit, there are two options. The first option is that the governing agency may continue investigating the property to obtain more evidence so that a suit may be filed at a later date. Once enough evidence is obtained, the OAG will proceed with a lawsuit.

If the referring agency believes the property owner will cooperate in attempts to eliminate the illegal activity, the second option is to hold a meeting with the property owner. A notification letter will be sent to the property owner requesting a meeting. All concerned parties should be present at this meeting. Individuals present may include representatives of the referring agency, the OAG, regulatory agencies and the property owner or representatives. The purpose of the meeting is to notify the property owner of the persistent illegal activity taking place on the property and to obtain voluntary compliance in addressing the problem. The owner is given suggested guidelines of operation and made aware of the potential fines, bonds and civil actions that could be taken against him or her for maintaining a nuisance. The regulatory agencies and the referring agency will be given an opportunity to express their concerns and provide information regarding code violations. The property owner will also be advised as to the assistance he or she can expect from the referring agency and other regulatory agencies. After the meeting, if the illegal activity declines or is eliminated, the referring agency must continue to monitor the property. If the illegal activity has not declined or been eliminated, the OAG will proceed with a lawsuit once sufficient evidence has been obtained.

See Attachment D for an example of a notification letter and Attachment E for the guidelines of operation. The notification letter and the guidelines of operation can be modified according to the specific nature of the property involved.

Sufficient evidence. If sufficient evidence exists, you can either request a meeting with the property owner to obtain voluntary compliance or file a lawsuit against the property owner. The OAG will file suit on behalf of the referring agency and will provide all of the legal representation for the duration of the lawsuit. **The OAG does not represent the referring agency but represents and will file suit on behalf of the State.**

PLAN FOR PROPERTY CLOSURE



* **General Guideline** (may be more or less depending on the size of the jurisdiction and circumstances of each property)

NUISANCE ABATEMENT STATISTICS

FOR ALL CASES (as of September 1, 2004)

- 361 cases opened and investigated
(27 open cases and 334 closed cases)
- 19 surety bonds posted
- 4 surety bonds forfeited
- 2 civil contempt/fine paid to state
- 76 properties closed
- 8 properties demolished

(As of September 1, 2004) <u>STATUS OF CASE</u>	<u>NUMBER OF CASES</u>	<u>PERCENTAGE OF CASES</u>
Cases resolved prior to litigation	241	66.48%
Cases resolved through litigation	93	25.76%
Pending investigations	21	6.09%
Cases in litigation	6	1.66%
 TOTAL	 361	 100%

LARGE CITIES	NO. OF CASES INVESTIGATED	POPULATION
Houston	7	1,953,631
Dallas	22	1,030,150
San Antonio	10	972,400
El Paso	13	527,194
Austin	13	526,128
Fort Worth	99	470,650
Arlington	3	279,600
Corpus Christi	5	257,453
Plano	1	222,030
Garland	2	196,639
Lubbock	2	186,206
Irving	4	165,950
Amarillo	3	157,615
Wichita Falls	5	125,239
Mesquite	1	124,523
Abilene	1	117,074
Beaumont	2	116,875
Waco	4	109,296
Grand Prairie	2	104,692
San Angelo	1	101,555
Odessa	5	93,900
Midland	2	91,996
Carrollton	1	85,640
McAllen	1	84,021
Tyler	4	75,450
Longview	2	70,311
Killeen	2	69,932
Denton	1	21,505
Galveston	8	59,070
College Station	1	55,746
Bryan	8	55,002
Harlingen	2	48,735
Temple	2	47,251
Texas City	9	41,603

(Note: Due to changes in record keeping, not all cases are included in the listing by city.)

MEDIUM CITIES	NO. OF CASES INVESTIGATED	POPULATION
Nacogdoches	3	58,929
League City	1	40,000
DeSoto	1	35,100
Texarkana	2	34,255
McKinney	2	34,269
Copperas Cove	2	32,551
Lufkin	4	31,295
San Marcos	1	28,173
Conroe	3	27,610
Cleburne	1	26,005
Marshall	1	25,858
Greenville	2	24,031
Friendswood	1	22,814
Plainview	4	22,597
Denison	1	21,505
Mansfield	2	21,470
Waxahachie	1	20,545
Alice	1	19,788
Georgetown	1	18,000
Dickinson	1	17,777
Harker Heights	10	16,500
Hereford	1	14,745
City of South Houston	1	14,207
La Marque	1	14,120
Bellaire	1	13,842
Vernon	2	11,962

SMALL CITIES	NO. OF CASES INVESTIGATED	POPULATION
Lockhart	1	10,948
El Campo	1	10,511
Richmond	1	10,042
Webster	1	9,083
Liberty	1	8,932
Jasper	4	7,824

Bacliff	1	6,962
Navasota	1	6,789
River Oaks	1	6,600
Marlin	1	6,386
Everman	1	6,348
Sinton	1	5,517
Rockdale	1	5,235
Elgin	4	4,874
Clarksville	1	4,311
Madisonville	1	4,222
Hempstead	2	3,556
Eagle Lake	1	3,551
Granite Shoals	1	2,254
Newton	1	1,789
Springtown	1	1,781
Cactus	1	1,519
Tierra Grande	1	362
Hunter (Comal Co.)	1	n/a
Huffman (Harris Co.)	1	n/a
Limestone (Limestone Co.)	1	n/a

TYPE OF PROPERTY	NO. OF CASES	% OF CASES
House	57	15.94%
Apartments	61	16.81%
Hotel/Motel	68	18.55%
Subdivision	1	.29%
Trailer Park Home	2	.29%
Liquor Store	15	4.35%
Convenience Store	27	7.25%
Restaurant	7	2.03%
Video Store	1	.29%
Bar/Club	89	25.51%
Topless Bar/Club	7	1.74%
Nude Modeling Studio	2	.58%
Massage Parlor	1	.29%
Vacant Lot	3	.58%
Apartment and Bar	1	.29%
Auto Stereo Store	1	.29%
Car Wash	7	1.74%
Bank	1	.29%
Website	7	2.03%
Other	3	.87%
TOTAL	361	100%

SECTION A
CHAPTER 125 OF THE TEXAS CIVIL PRACTICE & REMEDIES CODE

TEXAS CIVIL PRACTICE AND REMEDIES CODE

CHAPTER 125. COMMON AND PUBLIC NUISANCES

Subchapter A. Suit to Abate Certain Common Nuisances

Section

- 125.001 Definitions
- 125.0015 Common Nuisance
- 125.002 Suit to Abate Common Nuisance; Bond
- 125.003 Suit on Bond
- 125.004 Evidence

Subchapter C. Additional Nuisance Remedies

Section

- 125.045 Remedies
- 125.046 Additional Remedies; Receiver

Subchapter D. Membership in Criminal Street Gang

Section

- 125.061 Definitions
- 125.062 Public Nuisance; Combination
- 125.063 Public Nuisance; Use of Place
- 125.064 Suit to Abate Nuisance
- 125.065 Court Order
- 125.066 Violation of Court Order
- 125.069 Use of Place; Evidence

125.001. Definitions

In this chapter:

- (1) "Common nuisance" is a nuisance described by Section 125.0015.
- (2) "Public nuisance" is a nuisance described by Section 125.062 or 125.063.
- (3) "Multiunit residential property" means improved real property with at least three dwelling units, including an apartment building, condominium, hotel, or motel. The term does not include:

- (A) a property in which each dwelling unit is occupied by the owner of the property; or
- (B) a single-family home or duplex.

125.0015. Common Nuisance

- (a) A person who knowingly maintains a place to which persons habitually go for the following purposes maintains a common nuisance:
 - (1) discharge of a firearm in a public place as prohibited by the Penal Code;
 - (2) reckless discharge of a firearm as prohibited by the Penal Code;
 - (3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;
 - (4) delivery, possession, manufacture, or use of a controlled substance in violation of Chapter 481, Health and Safety Code;
 - (5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;
 - (6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;
 - (7) compelling prostitution as prohibited by the Penal Code; or
 - (8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code.
- (b) A person maintains a common nuisance if the person:
 - (1) knowingly maintains a multiunit residential property to which persons habitually go to commit the following acts:
 - (A) aggravated assault as described by Section 22.02, Penal Code;
 - (B) sexual assault as described by Section 22.011, Penal Code;
 - (C) aggravated sexual assault as described by Section 22.021, Penal Code;
 - (D) robbery as described by Section 29.02, Penal Code;
 - (E) aggravated robbery as described by Section 29.03, Penal Code;

(F) unlawfully carrying a weapon as described by Section 46.02, Penal Code;

(G) murder as described by Section 19.02, Penal Code;

(H) capital murder as described by Section 19.03, Penal Code; and

(2) has failed to make reasonable attempts to abate such acts.

125.003. Suit on Bond

- (a) If a condition of a bond filed or an injunctive order entered under this subchapter is violated, the district, county, or city attorney of the county in which the property is located or the attorney general shall sue on the bond in the name of the state. In the event the attorney general originates the suit, the whole sum shall be forfeited as a penalty to the state. In the event the suit is originated by any office other than the attorney general, the whole sum shall be forfeited as a penalty to the originating entity. On violation of any condition of the bond or of the injunctive order and subsequent to forfeiture of the bond, the place where the nuisance exists shall be ordered closed for one year from the date of the order of bond forfeiture.
- (b) The party bringing the suit may recover reasonable expenses incurred in prosecuting the suits authorized in Subsection (a) including but not limited to investigative costs, court costs, reasonable attorney's fees, witness fees, and deposition fees.
- (c) A person may not continue the enjoined activity pending appeal or trial on the merits of an injunctive order entered in a suit brought under this subchapter. Not later than the 90th day after the date of the injunctive order, the appropriate court of appeals shall hear and decide an appeal taken by a party enjoined under this subchapter. If an appeal is not taken by a party temporarily enjoined under this article, the parties are entitled to a full trial on the merits not later than the 90th day after the date of the temporary injunctive order.
- (d) In an action brought under this chapter, the court may award a prevailing party reasonable attorney's fees in addition to costs. In determining the amount of attorney's fees, the court shall consider:
 - (1) the time and labor involved;
 - (2) the novelty and difficulty of the questions;
 - (3) the expertise, reputation, and ability of the attorney; and
 - (4) any other factor considered relevant by the court.
- (e) Nothing herein is intended to allow a suit to enjoin and abate a common nuisance to be brought against any enterprise whose sole business is that of a bookstore or movie theater.

125.004. Evidence

- (a) Proof that an activity described by Section 125.0015 is frequently committed at the place involved or that the place is frequently used for an activity described by Section 125.0015 is prima facie evidence that the defendant knowingly permitted the activity.
- (b) Evidence that persons have been arrested for or convicted of offenses for an activity described by Section 125.0015 in the place involved is admissible to show knowledge on the part of the defendant that the act occurred. The originals or certified copies of the papers and judgments of those arrests or convictions are admissible in the suit for injunction, and oral evidence is admissible to show that the offense for which a person was arrested or convicted was committed at the place involved.
- (c) Evidence of the general reputation of the place involved is admissible to show the existence of the nuisance.

SUBCHAPTER C. Additional Nuisance Remedies

125.042. Request for Meeting

- (a) The voters of an election precinct in which a common nuisance is alleged to exist or is alleged to be likely to be created, or the voters in an adjacent election precinct, may request the district attorney, city attorney, or county attorney having geographical jurisdiction of the place that is the subject of the voters' complaints to authorize a meeting at which interested persons may state their complaints about the matter. To be valid to begin proceedings under this section, the written request must be signed by at least:
 - (1) 10 percent of the registered voters of the election precinct in which the common nuisance is alleged to exist or is alleged to be likely to be created; or
 - (2) 20 percent of the voters of the adjacent election precinct.
- (b) On receiving a written request for a meeting from the required number of persons, the district attorney, city attorney, or county attorney may appoint a person to conduct the meeting at a location as near as practical to the place that is the subject of the complaints.

125.043. Notice

The district attorney, city attorney, or county attorney receiving the request may:

- (1) post notice of the purpose, time, and place of the meeting at either the county courthouse of the county or the city hall of the city in which the place that is the

subject of the complaints is located and publish the notice in a newspaper of general circulation published in that county or city; and

(2) serve the notice, by personal service, to the owner and the operator of the place.

125.044. Findings

- (a) After the meeting, the person appointed to conduct the meeting shall report the findings to the district attorney, city attorney, or county attorney who appointed the person. The district attorney, city attorney, or county attorney, on finding by the attorney that a common nuisance exists or is likely to be created, may initiate appropriate available proceedings against the persons owning or operating the place at which the common nuisance exists or is likely to be created.
- (b) In a proceeding begun under Subsection (a):
 - (1) proof that acts creating a common nuisance are frequently committed at the place is prima facie evidence that the owner and the operator knowingly permitted the acts; and
 - (2) evidence that persons have been arrested for or convicted of offenses involving acts at the place that create a common nuisance is admissible to show knowledge on the part of the owner and the operator that the acts occurred.
- (c) The originals or certified copies of the papers and judgments of the arrests or convictions described by Subdivision (2) of Subsection (b) are admissible in a suit for an injunction, and oral evidence is admissible to show that the offense for which a person was arrested or convicted was committed at the place involved.

125.045. Remedies

- (a) If, after notice and hearing on a request by a petitioner for a temporary injunction, a court determines that the petitioner is likely to succeed on the merits in a suit brought under Section 125.002, the court shall require that the defendant execute a bond. The bond must:
 - (1) be payable to the state at the county seat of the county in which the place is located;
 - (2) be in the amount set by the court, but not less than \$5,000 or more than \$10,000;
 - (3) have sufficient sureties approved by the court; and
 - (4) be conditioned that the defendant will not knowingly maintain a common nuisance to exist at the place.

- (b) If any party to a court case fails to cease and desist creating and maintaining a common nuisance within the time allowed by the court, a political subdivision may:
 - (1) discontinue the furnishing of utility services by the political subdivision to the place at which the nuisance exists;
 - (2) prohibit the furnishing of utility service to the place by any public utility holding a franchise to use the streets and alleys of the political subdivision;
 - (3) revoke the certificate of occupancy of the place;
 - (4) prohibit the use of city streets, alleys, and other public ways for access to the place during the existence of the nuisance or in furtherance of the nuisance; and
 - (5) use any other legal remedy available under the laws of the state.
- (c) If a condition of a bond filed or an injunctive order entered under this subchapter is violated, the district, county, or city attorney of the county in which the property is located or the attorney general may sue on the bond in the name of the state. In the event the attorney general originates the suit, the whole sum shall be forfeited as a penalty to the state. In the event the suit is originated by any office other than the attorney general, the whole sum shall be forfeited as a penalty to the originating entity.

125.046. Additional Remedies; Receiver

- (a) If, in any judicial proceeding under Subchapter A, a court determines that a person is maintaining a multiunit residential property that is a common nuisance, the court may, on its own motion or on the motion of any party, order the appointment of a receiver to manage the property or render any other order allowed by law as necessary to abate the nuisance.
- (b) A receiver appointed under this section may not be appointed for a period longer than one year.
- (c) The court shall determine the management duties of the receiver, the amount to be paid the receiver, the method of payment, and the payment periods.
- (d) A receiver appointed under this section shall continue to manage the property during the pendency of any appeal relating to the nuisance or the appointment of the receiver.
- (e) A receiver appointed by the court may:
 - (1) take control of the property;
 - (2) collect rents due on the property;

- (3) make or have made any repairs necessary to bring the property into compliance with minimum standards in local ordinances;
 - (4) make payments necessary for the maintenance or restoration of utilities to the properties;
 - (5) purchase materials necessary to accomplish repairs;
 - (6) renew existing rental contracts and leases;
 - (7) enter into new rental contracts and leases;
 - (8) affirm, renew, or enter into a new contract providing for insurance coverage on the property; and
 - (9) exercise all other authority that an owner of the property would have except for the authority to sell the property.
- (f) Expenditures of monies by the receiver in excess of \$10,000 under Subdivisions (3) and (5) of Subsection (e) shall require prior approval of the court.
- (g) On the completion of the receivership, the receiver shall file with the court a full accounting of all costs and expenses incurred in the repairs, including reasonable costs for labor and subdivision, and all income received from the property.

125.047. Nuisance Abatement Fund

- (a) In this section:
- (1) "Fund" means a nuisance abatement fund.
 - (2) "Nuisance abatement" means an activity taken by a municipality to reduce the occurrences of a common or public nuisance.
- (b) This section applies only to a municipality with a population of 1.5 million or more.
- (c) A municipality shall create a fund as a separate account in the treasury of the municipality.
- (d) The fund consists of:
- (1) money awarded the municipality in an action under this chapter;
 - (2) money awarded the municipality under a settlement to an action under this chapter;

- (3) fines resulting from code enforcement citations issued by the municipality for conduct defined as a common or public nuisance under this chapter;
 - (4) bonds forfeited to the municipality under this chapter; and
 - (5) donations or grants made to the municipality for the purpose of nuisance abatement.
- (e) The money in the fund may be used only for the purpose of ongoing nuisance abatement. That purpose includes:
- (1) regular and overtime compensation for nuisance abatement or enforcement personnel; and
 - (2) hiring additional personnel for nuisance abatement as needed.

SUBCHAPTER D. Membership in Criminal Street Gang

125.061. Definitions

In this subchapter:

- (1) “Combination” and “criminal street gang” have the meanings assigned by Section 71.01, Penal Code;
- (2) “Continuously or regularly” means at least five times in a period of not more than six months.
- (3) “Gang activity” means the following types of conduct:
 - (A) organized criminal activity as described by Section 71.02, Penal Code;
 - (B) terroristic threat as described by Section 22.07, Penal Code;
 - (C) coercing, soliciting, or inducing gang membership as described by Section 22.015, Penal Code;
 - (D) criminal trespass as described by Section 30.05, Penal Code;
 - (E) disorderly conduct as described by Section 42.01, Penal Code;
 - (F) criminal mischief as described by Section 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;
 - (G) a graffiti offense in violation of Section 28.08; Penal Code, that:

- (i) causes a pecuniary loss of \$500 or more; or
 - (ii) occurs at a school, an institution of higher education, a place of worship or human cemetery, a public monument, or a community center that provides medical, social, or educational programs;
- (H) a weapons offense in violation of Chapter 46, Penal Code; or
- (I) unlawful possession of a substance or other item in violation of Chapter 481, Health and Safety Code.

125.062. Public Nuisance; Combination

A combination or criminal street gang that continuously or regularly associates in gang activities is a public nuisance.

125.063. Public Nuisance; Use of Place

The habitual use of a place by a combination or criminal street gang for engaging in gang activity is a public nuisance.

125.064. Suit to Abate Nuisance

- (a) A district, county, or city attorney, the attorney general, or a resident of the state may sue to enjoin a public nuisance under this subchapter.
- (b) Any person who habitually associates with others to engage in gang activity as a member of a combination or criminal street gang may be made a defendant in the suit. Any person who owns or is responsible for maintaining a place that is habitually used for engaging in gang activity may be made a defendant in the suit.
- (c) If the suit is brought by the state, the petition does not require verification.
- (d) If the suit is brought by a resident, the resident is not required to show personal injury.

125.065. Court Order

- (a) If the court finds that a combination or criminal street gang constitutes a public nuisance, the court may enter an order:
 - (1) enjoining a defendant in the suit from engaging in the gang activities of the combination or gang; and

- (2) imposing other reasonable requirements to prevent the combination or gang from engaging in future gang activities.
- (b) If the court finds that a place is habitually used in a manner that constitutes a public nuisance, the court may include in its order reasonable requirements to prevent the use of the place for gang activity.

125.066. Violation of Court Order

A person who violates a temporary or permanent injunctive order under this subchapter is subject to the following sentences for civil contempt:

- (1) a fine of not less than \$1,000 nor more than \$10,000;
- (2) confinement in jail for a term of not less than 10 nor more than 30 days; or
- (3) both fine and confinement.

125.067. Continuation of Activities Pending Trial or Appeal; Appeal

- (a) A person may not continue the enjoined activity pending trial or appeal on the merits of an injunctive order in a suit brought under this subchapter.
- (b) Not later than the 90th day after the date of the injunctive order, an appropriate court of appeals shall hear and decide an appeal taken by a person enjoined under this subchapter.
- (c) If an appeal is not taken by a person temporarily enjoined under this subchapter, the person is entitled to a trial on the merits not later than the 90th day after the date of the temporary injunctive order.

125.0675. Injunction for Specified Period

In addition to any other order that may be issued under this subchapter or other law, a court of appeals or a trial court acting under Section 125.067(b) or (c) may issue an injunctive order under this subchapter stating that the injunction remains in effect during the course of the trial or until lifted by the court.

125.068. Attorney's Fees

In an action brought under this subchapter, the court may award a prevailing party reasonable attorney's fees and costs.

125.069. Use of Place; Evidence

In an action brought under this subchapter, proof that gang activity by a member of a combination or a criminal street gang is frequently committed at a place or proof that a place is frequently used for engaging in gang activity by a member of a combination or a criminal street gang is prima facie evidence that the proprietor knowingly permitted the act, unless the act constitutes conspiring to commit gang activity.

**SECTION B
SECTION 101.70 OF THE
TEXAS ALCOHOLIC BEVERAGE CODE**

§ 101.70. Common Nuisance

(a) A room, building, boat, structure, or other place where alcoholic beverages are sold, bartered, manufactured, stored, possessed, or consumed in violation of this code or under circumstances contrary to the purposes of this code, the beverages themselves, and all property kept or used in the place, are a common nuisance. A person who maintains or assists in maintaining the nuisance commits an offense.

(b) The county or district attorney in the county where the nuisance exists or the attorney general may sue in the name of the state for an injunction to abate and temporarily and permanently enjoin it. Except as otherwise provided in this section, the proceeding is conducted as other similar proceedings.

(c) The plaintiff is not required to give a bond. The final judgment is a judgment in rem against the property and a judgment against the defendant. If the court finds against the defendant, on final judgment it shall order that the place where the nuisance exists be closed for one year or less and until the owner, lessee, tenant, or occupant gives bond with sufficient surety as approved by the court in the penal sum of at least \$1,000. The bond must be payable to the state and conditioned:

- (1) that this code will not be violated;
- (2) that no person will be permitted to resort to the place to drink alcoholic beverages in violation of this code; and
- (3) that the defendant will pay all fines, costs, and damages assessed against him for any violation of this code.

(d) On appeal, the judgment may not be superseded except on filing an appeal bond in the penal sum of not more than \$500, in addition to the bond for costs of the appeal. That bond must be approved by the trial court and must be posted before the judgment of the court may be superseded on appeal. The bond must be conditioned that if the judgment of the trial court is finally affirmed it may be forfeited in the same manner and for any cause for which a bond required on final judgment may be forfeited for an act committed during the pendency of an appeal.

SECTION C
SUMMARY OF ILLEGAL ACTIVITY:
EXAMPLE 1

This summary is only a suggested form and may be modified accordingly.

**Motel Inn (Food Mart Place, etc.)
12345 Cambridge Street
Austin, Travis County, Texas 78711**

- I. Owners:
- a. Name of Owner
1000 Cambridge Street
Austin, Texas 78711

 - b. Name of Owner
1234 Sunnyside
Austin, Texas 78711
- II. Management:
- a. Name of Manager
1002 Drummond Drive
Austin, Texas 78711
- III. Lessee/renter/others with interest in property
- a. List names and addresses
- IV. Summary of Criminal Activity
- a. Specify nuisance activity and send all offense reports that occurred on the property. The following is a list of criminal activities that can be addressed by the Texas Nuisance Abatement Statutes: obscenity, prostitution, promotion of prostitution, compelling prostitution, illegal gambling, discharge of a firearm, organized crime in violation of the Texas Penal Code, violations of the Texas Controlled Substances Act and/or liquor violations.

Possession of a Controlled Substance arrests ____
List Case Numbers, Dates and Persons Arrested
List Arresting Officer(s)/Officer Witnesses
List Date of Conviction/Conviction Number if applicable and available

Delivery of a Controlled Substance arrests ____
List Case Numbers, Dates and Persons Arrested
List Arresting Officer(s)/Officer Witnesses
List Date of Conviction/Conviction Number if applicable and available

Prostitution arrests ____
List Case Numbers, Dates and Persons Arrested
List Arresting Officer(s)/Officer Witnesses
List Date of Conviction/Conviction Number if applicable and available

Discharge of a firearm arrests ____
 List Case Numbers, Dates, and Persons Arrested
 List Arresting Officer(s)/Officer Witnesses
 List Date of Conviction/Conviction Number if applicable and available

- b. Give number of calls for police service at the property, list the calls by offenses and give number of calls for that particular offense.

There were ____ calls for service at this location from ____, 2004 to ____, 2004.

Offenses	Number of Calls
Assaults	#
Robbery	#
Shootings	#
Fights	#
Stolen Vehicle	#
Shots Fired	#
Etc.	#

- c. List the reported offenses at the property and the number of arrests for each offense report.

Offense	Offense Number	Number of Arrests
Assault	#	#
Assault	#	#
Assault	#	#
Robbery	#	#
Shooting	#	#
Shooting	#	#
Shooting	#	#
Fight	#	#
Stolen Vehicle	#	#
Shots Fired	#	#
Etc.	#	#

**SUMMARY OF ILLEGAL ACTIVITY:
EXAMPLE 2**

This summary is only a suggested form and may be modified accordingly.

AMBASSADOR APARTMENTS
511 TIERNEY STREET
TARRANT COUNTY
FORT WORTH, TEXAS 76112
(817) 451-3218

BUILDING & LAND

OWNERS: M.P.C. Investments Inc.
810 East Hattie
Fort Worth, Texas 76104

**BUSINESS & PERSONAL
PROPERTY**

OWNERS: Ambassador Associates
P.O. Box 16643
Fort Worth, Texas 76162
(817) 297-3300

Dick Eudaly
P.O. Box 16643
2307 Longhorn
Fort Worth, Texas 76162
(817) 297-3300

The Fort Worth Police Department has received numerous complaints concerning the illegal activities occurring at the Ambassador Apartments, 511 Tierney Road. These complaints have resulted in many investigations and arrests.

Statistical data compiled from June 29, 1993, to July 29, 1995, discloses there were nine hundred and ten (910) calls for police service at this location. One hundred and fifty (150) offense/incident reports were generated as a result of those calls. The offense/incident reports include: murder and criminal attempt murder; aggravated assaults and aggravated sexual assault; aggravated kidnaping; aggravated robberies and robberies; narcotics violations; and prostitution offenses. Investigations conducted by the Fort Worth Police Department indicate that the following occurred on or about the premises:

In April, 1995, Fort Worth Police filed murder charges against two subjects for what the offense report describes as a drug related shooting resulting in the death of one person.

In January, 1995, three men kidnaped a subject at this location using a handgun and sawed-off shotgun. They ordered the subject into the trunk of his own vehicle and drove him to a local park where they either shot him in the head or beat him over the head with a blunt object, causing a large hole in the base of his skull. The three suspects were subsequently arrested by the Fort Worth Police and filed on for criminal attempt capital murder.

In July, 1995, a man was shot in the face during what the offense report describes as a gang and drug related argument. According to the offense report the manager of the Ambassador Apartments on this date was also a witness to this offense and told the reporting officer that "young black males are always dealing dope and shooting their guns in the back of this apartment complex." The offense report listed the victim was in good condition and no arrests have been made in this offense as yet. The offense was referred to the Fort Worth Police Gang Unit for further investigation.

In December, 1994, a man was shot in the neck and right leg during in what the offense report describes as a gang related shooting. The report lists the victim's condition as serious. The two suspects in the offense have not as yet been apprehended.

In January, 1995, Fort Worth Police Officer B. Newell, ID 2514, arrested three (3) persons for possession of a controlled substance with intent to deliver. Over fifty-six (56) grams of crack cocaine were seized, along with two (2) guns.

There have been eighteen (18) other persons arrested and charged with possession of a controlled substance by the following Fort Worth officers:

H.D. Cusnack, ID 2746
J.K. Driver, ID 2602
J.A. Ferguson, ID 1882
K. Fitchett, ID 2315
D.P. Henderson, ID 2746
L.C. Johnson, ID 2195
D.J. Nelson, ID 2208
M.P. Osborne, ID 2668
J.C. Ost, ID 2480
t.M. Plowman, ID 2610
J.A. Sosa, ID 2487
M.R. Weber, ID 2502

Additionally, there have been three (3) general complaint citations issued at this location for possession of drug paraphernalia.

Ambassador Apartments
Page 3
August 11, 1995

The following officers of the Special Investigations Division, Vice Section, have arrested three (3) persons for prostitution offenses:

R. Johnson, ID 2285
D.M. Rogers, ID 1712
D.A. Torsiello, ID 2419

Furthermore, there have been four (4) general complaint citations for criminal attempt prostitution, and two (2) for manifestation of prostitution issued at this location.

The reputation of these apartments is of a place to purchase narcotics and prostitutes, and a place of gang and other violence.

Based on the statistics and interviews with Fort Worth Police officers it is apparent that the Ambassador Apartments are a nuisance to the health, safety, and peace of the people of Fort Worth, Texas. Therefore, the City of Fort Worth is seeking an abatement action against 511 Tierney Road, the Ambassador Apartments.

INTER-OFFICE CORRESPONDENCE

TO L. Curtis, Lieutenant **DATE** August 7, 1995
FROM T.A. Tillerson
Officer, Vice Section
SUBJECT AMBASSADOR APARTMENTS

The Ambassador Apartments are located at 511 S. Tierney Road, although calls to police and police offense reports show the address as 511 Tierney Road.

From June 29, 1993, to July 29, 1995, there were approximately nine hundred and ten (910) calls for police service at this location. The following is a list of those calls:

Abandoned Vehicle	1
Accident/Major	1
Accident/Minor	1
Accident/Hit & Run	3
Assault	29
Assists	391
Burglary in a Building	1
Burglary Investigation	12
Call for Police	6
Demented Person	1
Disturbance	63
Domestic Disturbances	83
Drunk	1
Fight	10
Fire Call	1
Follow-up Investigation	11
Gang Fight	8
Investigation	132
Malicious Mischief	3
Meet	5
Meet Ambulance	5
Meet Complainant	4
Missing Person	3
Open Door	1
Other	24
Person with a Gun	8
Prisoner Pick-up	5
Robbery	9
Shots Fired	19
Shooting	10
Stabbing	2

Ambassador Apartments
Page 2
August 7, 1995

Stolen Vehicle	8
Suspicious Person	6
Suspicious Person in Car	2
Theft Investigation	8
Traffic Violation on View	9
911 Hang Up Calls	24
Total	910

Of the nine hundred and ten (910) calls for police service one hundred and fifty (150) resulted in the listed offenses:

<u>Offense</u>	<u>Offense #</u>	<u>Deceased / Injured Person</u>	<u>#Arr</u>	<u>Weapons</u>	<u>Narc</u>
Murder	95183429	deceased	2	handgun	
Criminal Attempt					
Capital Murder	95047870	injured	3	shotgun/gun	
Criminal Attempt					
Murder	95387279	injured		handgun	
Criminal Attempt					
Murder	95377040	injured		shotgun/gun	
Criminal Attempt					
Murder	94699097	injured		handgun	
Criminal Attempt					
Murder	94123724	injured	1	handgun	
Criminal Attempt					
Murder	93734895	injured	1	handgun	
Aggravated Assault	95293816	injured	1	bodily force	
Aggravated Assault	95198273			knife	
Aggravated Assault	95188850	injured		metal pipe	
Aggravated Assault	94315564			handgun	
Aggravated Assault	94296281	injured		crowbar	
Aggravated Assault	94163856			knife	
Aggravated Assault	94090374	injured	1	bottle	
Aggravated Assault	93663245	injured		bodily force	
Aggravated Assault	93392334			knife/vehicle	
Aggravated Sexual Assault	95125906	injured	1	bodily force	
Assault	95396214			threat	
Assault	95384612			bodily force	
Assault	95383940	injured		bodily force	
Assault	95355745	injured		bodily force	
Assault	95314741	injured		bodily force	
Assault	95334694	injured	1	bodily force	
Assault	95185915	injured	1	bodily force	

<u>Offense</u>	<u>Offense #</u>	<u>Deceased / Injured Person</u>	<u>#Arr</u>	<u>Weapons</u>	<u>Narc</u>
Assault	95182181	injured		bodily force	
Assault	95127465	injured		bodily force	
Assault	95080577			threat	
Assault	95080404	injured		bodily force	
Assault	95042819	injured		bodily force	
Assault	95029937			threat	
Assault	94712713	injured		bodily force	
Assault	94672262	injured		bodily force	
Assault	94675341	injured	1	bodily force	
Assault	94550940	injured		bodily force	
Assault	94531658	injured	1	bodily force	
Assault	94530180	injured		bodily force	
Assault	94363974	injured		bodily force	
Assault	94339695	injured	1	bodily force	
Assault	94195259	injured		bodily force	
Assault	94188473	injured		knife	
Assault	94182536	injured		bodily force	
Assault	94071525	injured		bodily force	
Assault	94036529	injured		pipe	
Assault	93724960			bodily force	
Assault	93676621	injured		bodily force	
Assault	93591650			bodily force	
Assault	93452113	injured		clothes hanger	
Agg Kidnapping	94114182	injured		handgun	
Aggravated Robbery	95197689	injured	1	handgun	
Aggravated Robbery	95069567			handgun	
Aggravated Robbery	95033762			handgun	
Aggravated Robbery	95003889		3	handguns	coke/ marij
Aggravated Robbery	94606948			handgun	
Aggravated Robbery	94602136			scissors	
Aggravated Robbery	94576665	injured		blunt object	
Aggravated Robbery	94099892		1	handgun	
Aggravated Robbery	93717320			handguns	
Robbery	95023791	injured	1	vehicle	coke
Delivery Cont Sub	95383670				coke
Delivery Cont Sub	94313459				coke
Delivery Cont Sub	94103266		3		coke
Poss Cont Sub with Intent to Deliver	95393879		1		coke
Poss Cont Sub with Intent to Deliver	95365783		1	shotgun/gun	coke
Possession Cont Sub	95356446		1		coke

<u>Offense</u>	<u>Offense #</u>	<u>Deceased /Injured Person</u>	<u>#Arr</u>	<u>Weapons</u>	<u>Narc</u>
Covered Drug Buy	95310518				
Possession Cont Sub	95308246		3	handgun	coke
Poss Cont Sub with Intent to Deliver	95244634		3	handguns	coke
Covered Drug Buy	95150002				coke
Poss Cont Sub with Intent to Deliver	95004353		3	handguns	coke
Possession Cont Sub	94543404		2		coke
Possession Cont Sub	94079443		1	knife	coke
Poss Cont Sub with Intent to Deliver	93426318		1		coke
Search Warrant	94313472		1	handgun	coke
Possession Drug Paraphernalia	94313367		1		coke
Prostitution of Self	95224937		1		
Prostitution of Self	93636739		1		
Prostitution of Self	93521079		1		
Other:					
Arson	93722256		1		
Endangering Child	94052542				
Indecency w/Child	93679039				
Injury to Child	93717302	injured		bodily force	
Arrest-Warrant	95289256		1		
Arrest-Warrant	95264366		1		
Arrest-Warrant	95167337		1		
Arrest-Warrant	94425050		1		
Burglary	95083520				
Burglary	94531050				
Burglary	94325516				
Burglary	94076468				
Burglary	93401522				
Burglary	93401273				
Burglary	93367666				
Criminal Attempt					
Theft	93586258				
Theft	95215106				
Theft	95176477				
Theft	95135383				
Theft	95103762				
Theft	95087061				
Theft	95001271				
Theft	94707589				
Theft	94475831				

<u>Offense</u>	<u>Offense #</u>	<u>Deceased / Injured Person</u>	<u>IArr</u>	<u>Weapons</u>	<u>Narc</u>
Theft	94133200				
Theft	94010910				
Theft	93693702		1		
Theft	93678316				
Theft	93653432				
Theft	93644645				
Theft	93528289				
Theft	93450250				
Theft	93406445				
Theft	93364464				
Criminal Mischief	95332451			knife/brick	
Criminal Mischief	94314275				
Criminal Mischief	94069245				
Criminal Mischief	93672955				
Criminal Mischief	93663795				
Criminal Mischief	93663094				
Criminal Mischief	93642841				
Application Mental Detention	94186737	injured			
Application Warrantless Mental Detention	95030111	injured			
Emergency Mental Application	93449064				
Forgery	94384234				
Harassment Information	93687538				
Information/Domestic Disturbance	95203317				
Information	95120643				
Information/Domestic Disturbance	94179274				
Loaned Vehicle	93591481				
Missing Person	95307401				
Missing Person-Rec	94502558				
Poss Prohibited Weapon	93553850				
Shots Fired	95063290		1	shotgun	
Shots Fired	95370447				
Shots Fired	95256966				
Shots Fired	95251477				
Shots Fired	95147265				
Shots Fired	95139783				
Shots Fired	95127170				

<u>Offense</u>	<u>Offense #</u>	<u>Deceased /Injured Person</u>	<u>IArr</u>	<u>Weapons</u>	<u>Narc</u>
Shots Fired	95049292				
Shots Fired	94698555				
Shots Fired	94370741				
Shots Fired	94144249				
Shots Fired	93458637				
Shots Fired	93684109				
Shots Fired	93611184				
Terroristic Threat	94664156			gun/threat	
Terroristic Threat	94312699			handgun	
Transport Intoxicated Woman with Children	95289838				
UCW-Pistol	94719073		1	handgun	
UCW-Pistol	94311636		1	handgun	
Total	<u>150</u>	<u>44</u>	<u>55</u>	<u>71</u>	<u>18</u>

From August 26, 1994, to June 20, 1995, eighteen (18) general complaint citations, which are tantamount to arrests, were written at this location, to include:

Assault	1
Disorderly Conduct	3
Possession Drug Paraphernalia	3
Criminal Attempt Prostitution	4
Manifestation of Prostitution	2
Public Intoxication	3
Theft	1
Criminal Attempt Trespass	1
Total	<u>18</u>

T.A. Tillerson

T.A. Tillerson
 Officer, Vice Section

ja

SECTION D
NOTIFICATION LETTER



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

(Date)

Mr. Property Owner *Via Certified Mail, Return Receipt Requested*
111 N. Main Street
Anytown, Texas 70001

RE: Notice of Criminal Activity at 111 N. Main Street, Anytown, Texas 70001

Dear Mr. Property Owner:

The Office of the Attorney General has formed a Civil Enforcement Section that investigates properties at which there are an excessive number of criminal violations occurring on a regular basis. With the goal of neighborhood revitalization, this section solicits the cooperation of property owners to rid these properties of criminal nuisances.

Public records reveal that you are the legal owner of property located at 111 N. Main Street, Anytown, Texas 70001. A review of the Anytown Police Department's investigation reveals that the number of calls for police service at your property is far greater than for other businesses in the area, and that numerous criminal violations have occurred on the property in the last few years.

Property at which persons are involved in the possession, use and delivery of controlled substances, prostitution, or illegal discharge of a firearm may be declared a common nuisance under Section 125.0015 of the Texas Civil Practice and Remedies Code. Under this civil remedy, a person found to be maintaining a nuisance may be required to post a bond in the amount of \$10,000 or risk closure of the structure for a period of one year.

We have investigated the complaints against your property and have determined that if these problems are not eliminated, they could become worse and endanger the lives of the citizens in its immediate community. The Anytown Police Department has informed our office that you as the property owner can expect the full support of the police and other regulatory agencies in the elimination of the existing crimes that are occurring on your property. The Office of the Attorney General also wants to solicit your support and assistance as the property owner in an effort to resolve these problems and avoid litigation. If these problems cannot be addressed by you as the property owner, the only option remaining is to seek the assistance of a court of law.

POST OFFICE BOX 12548, AUSTIN, TEXAS 78711-2548 TEL: (512)463-2100 WEB: WWW.OAG.STATE.TX.US

An Equal Employment Opportunity Employer · Printed on Recycled Paper

Tri-State Motel
April 28, 2005
Page 2

Please call me within the next ten (10) working days to schedule a meeting with you and all others participating in the operation of your business. It is imperative that we work together to establish a liaison and cooperation that will allow us to make this community a safer place to live. We look forward to meeting with you.

Sincerely,

Kent S. Richardson
Assistant Attorney General
Criminal Law Enforcement Division
512-936-1348 Tel.
512-370-9741 Fax.
kent.richardson@oag.state.tx.us

SECTION E
GUIDELINES OF OPERATION

COUNTY OF TARRANT §
§
FORT WORTH, TEXAS §

This document will serve as notification to the owners and managers of the Comfort Motel of the persistent criminal activity taking place on the premises. Said owners and managers and/or their agents attended a meeting this day, January 1, 2003, at 350 W. Belknap, Fort Worth, Texas, in the presence of representatives of the Fort Worth Police Department and the Office of the Attorney General.

While in attendance at this meeting, the property representatives of the business known as the Super Motel, located at 2000 East Lancaster Avenue, Fort Worth, Texas, were made aware of the criminal activity which makes the property a common and public nuisance under the Texas Civil Practice & Remedies Code. The representatives of the property in question were also made aware of the potential fines, bonds and civil action that could be taken against them for maintaining a common and public nuisance as defined under Texas Civil Practice & Remedies Code, Chapter 125 (Vernon 1986).

ITEMS OF DISCUSSION:

1. Issuance of a permanent injunction enjoining defendants and defendants' agents, servants and employees from allowing violations of the Texas Civil Practice & Remedies Code, Texas Alcoholic Beverage Code, and Texas Penal Code.
2. Mandatory closure of the premises for one year, unless a bond of \$10,000 is posted for maintaining a place at which a common nuisance exists.
3. The mandatory posting of a bond of \$10,000 for maintaining a place at which a public nuisance exists.
4. Costs of suit and attorneys fees as provided by Texas Civil Practice & Remedies Code Annotated Section 125.003(c).
5. Cost of investigative fees.

While in attendance at said meeting, the representatives indicated a desire to make changes in the day-to-day operations of the property commonly known as the Comfort Motel, at 2000 East Lancaster Avenue, Fort Worth, Texas, in order to curb and eliminate such criminal activities that constitute a common and public nuisance.

GUIDELINES OF OPERATION

THE FOLLOWING ARE RECOMMENDED GUIDELINES WHICH THE STATE OF TEXAS SUGGEST TO MANAGERS AND OWNERS OF BUSINESSES AROUND THE STATE. THESE GUIDELINES ARE ONLY SUGGESTIONS THAT MAY HELP IN THE REDUCTION OF CRIMINAL ACTIVITY ON YOUR PREMISES, HOWEVER, THESE GUIDELINES ARE NOT EXCLUSIVE OF OTHER GUIDELINES OR REMEDIES THAT MAY HELP TO ELIMINATE ANY ILLEGAL ACTIVITY ON YOUR PREMISES. THESE GUIDELINES ARE IN NO WAY INTENDED TO BE USED TO ENCOURAGE DISCRIMINATION TOWARD ANY PERSON. THE STATE OF TEXAS ENCOURAGES PROPERTY OWNERS TO FOLLOW NONDISCRIMINATORY PRACTICES, ALL APPLICABLE LAWS, AND PROPER LEGAL AND JUDICIAL PROCEDURES WHEN DEALING WITH THE PUBLIC.

1. The property owners and managers should support all efforts to stop all illegal activities that occur on their premises by calling 911 when the managers or employees observe or suspect illegal activities occurring on their premises.
2. The property owners should post at least (3) three large signs in visible and conspicuous locations around the outside of the premises. The signs should read as follows:

**NO LOITERING, NO WEAPONS, NO CONSUMPTION OF ALCOHOL,
AND NO CRIMINAL ACTIVITY WILL BE TOLERATED.**

and

**THE FORT WORTH POLICE DEPARTMENT MAKES REGULAR AND
FREQUENT PATROLS OF THIS PREMISES.**

3. The following are suggested grounds for the immediate issuance of trespass warnings and the expulsion of any person. If an individual:
 - a. commits a violation of Texas law;
 - b. commits a violation of the Texas Controlled Substance Act;
 - c. commits a violation of the Texas Alcoholic Beverage Code; or
 - d. commits a violation of the Texas Penal Code.
4. The property owners and managers should contact the Fort Worth Police Department when an individual is trespassing to issue a trespass warning and, upon a second warning, an arrest for trespassing.

5. High intensity lighting should be installed on the exterior of the Comfort Motel, particularly in the parking lot and the front and rear areas of the building. Also, the property owners should immediately replace any burned-out, worn or damaged lighting.
6. The property owners and managers should cooperate with the Fort Worth Police Department by reporting all incidents of criminal activity promptly, which includes the notification through detailed written reports.
7. The property owners should comply with all city code requirements and bring said buildings into code compliance within a reasonable time frame, if the building is not currently in compliance.
8. The property owners and managers should implement reasonable means of security, which could include but is not limited to:
 - a. maintaining a secure fence around the premises of the property; and
 - b. obtaining some form of manned security on the property, such as state-commissioned peace officers to patrol the property.
9. Persons wishing to patronize said premises should present a valid Texas Drivers License or a Texas Department of Public Safety Official Identification Card. Paper IDs without a picture will not be accepted.

RECORDED ON THIS THE 1ST DAY OF JANUARY, 2003.

INDIVIDUALS IN ATTENDANCE AT THE MEETING:

NAME OF OWNER
NAME OF ESTABLISHMENT

OFFICER JOHN DOE
FORT WORTH POLICE DEPARTMENT

ASSISTANT ATTORNEY GENERAL JANE DOE
OFFICE OF THE ATTORNEY GENERAL

SECTION F
OFFICER DECLARATIONS

THE STATE OF TEXAS

COUNTY OF WICHITA

BEFORE ME, the undersigned authority, on this day personally appeared. **SCOTT POOLE**, who is a credible person, and who, after being by me duly sworn, did depose and say:

My name is **SCOTT POOLE**. I am a sworn police officer for the City of Wichita Falls, Wichita County, Texas.

MY NAME IS SCOTT POOLE. I AM A SWORN POLICE OFFICER FOR THE CITY OF WICHITA FALLS AND HAVE BEEN SO FOR APPROXIMATELY TEN YEARS. I AM CURRENTLY ASSIGNED AS AN INVESTIGATOR TO THE ORGANIZED CRIME UNIT OF THAT DEPARTMENT. I HAVE BEEN ASSIGNED TO NUMEROUS UNITS IN THE DEPARTMENT INCLUDING THE NORTH TEXAS DRUG TASK FORCE AND THE WICHITA FALLS POLICE DEPARTMENT'S ORGANIZED CRIME UNIT WHERE I AM CURRENTLY.

I HAVE PERSONALLY MADE NUMEROUS HAND TO HAND DELIVERY CASES WHERE I HAVE WORKED IN AN UNDERCOVER CAPACITY THERE AT 1212 BROAD AND PURCHASED CRACK COCAINE. I HAVE MADE THESE PURCHASES FROM SEVERAL DIFFERENT PERSONS ON DIFFERENT DATES AND TIMES THERE ON THE PROPERTY. 1212 BROAD IS ALSO LOCATED IN A DRUG FREE ZONE BEING ACROSS THE STREET FROM AUSTIN ELEMENTARY. THIS LOCATION PRESENTS A THREAT TO POLICE OFFICERS AND ALSO A THREAT TO PUBLIC SAFETY DUE TO THE DRUG ACITVITY ASSOCIATED WITH THIS LOCATION.



Signature of person making statement

SUBSCRIBED AND SWORN TO ME by the said SCOTT POOLE this the 16TH. day of OCTOBER, 2003.



Kristine M. Krugle
Notary Public in and for Wichita
County, Texas
My commission expires: 3-24-07

MEMORANDUM

TO: Steve Florez

FROM: D. Buchholz (Jefferson County Narcotics Task Force)

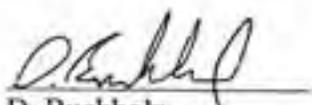
REFERENCE: Illegal Narcotic Activity

I, D. Buchholz am a Police Officer for the City of Pt. Neches currently assigned to the Jefferson County Narcotics Task Force

On Monday October 10, 2004, I along with other Officer's of the Jefferson County Narcotics Task Force conducted a tactical narcotic operation inside the city limits of Pt. Arthur. Officer's purchased Crack Cocaine from street level dealers in neighborhoods and business districts and upon doing so, additional Officer's conducted arrests. One of these locations was 5138 Gulfway Dr. This location was of particular interest due to continuing complaints of street level drug trafficking and VICE related activity.

At approximately 8:00pm, I along with an additional undercover officer arrived at the aforementioned location and was approached by a subject offering to sell Crack Cocaine. Prior to making the drug purchase, I overheard a Security Officer apparently employed by the business yell to the subject we were speaking with warning him not to sell Crack Cocaine to us because we were the Police. The subject conducted the transaction anyway and was subsequently arrested.

I often work inside the City of Pt. Arthur and frequently pass this location. On several of these occasions I have observed drug traffickers conducting business at and around the businesses exterior. If I can be of additional assistance please call at (409) 722-7763 EX. 163.


D. Buchholz

County of McLennan

Before me the undersigned authority in and for the State and County aforesaid, on this date personally appeared, Paul E. Johnson, Jr., who being by me duly sworn upon his oath deposes and says:

My name is Paul E. Johnson, Jr. and I am duly licensed as a Master Peace Officer in and for the State of Texas. Although I have been employed by the Bellmead Police Department for seventeen months, the Texas Commission on Law Enforcement Officers Standards and Education has accredited me with over fifteen years of Law Enforcement Officer experience. I am currently assigned to Bellmead Police Department Patrol Division as a Patrol Officer. My primary responsibilities has been daily patrol activities (e.g., responding to emergency and various non-emergency calls for service, self-initiated and citizen criminal and non-criminal field complaint investigations, traffic related incidents, and other public safety related support activities) as well as the arrest of persons involved in criminal activities or offenses committed against the peace and dignity of the State of Texas.

During my tenure as a Bellmead Police Officer, on numerous occasions—averaging about once per shift—I have been called upon to deal with criminal complaints and/or concerns by citizens related to patrons and visitors of the Delta Inn Motel, located at 1320 Behrens Circle Bellmead, McLennan County, Texas. In responding to such demands I have frequently been assigned as, either, the primary or assisting field officer charged with at-scene investigations of various criminal behavior that has included prostitution, illegal drug dealing and use, assaults (including sexual and/or use of weapons), wanted felons and misdemeanants, public intoxication, suspicious persons or activities. Although Motel employees, patrons and visitors have initiated several of the calls for service, concerned citizens residing adjacent to the Motel have also generated several calls. What has been so striking to me about many of these neighboring citizens is their consistent outcry about the inappropriate social behavior associated with the Motel. Furthermore, many of these same citizens have repeatedly told me that they feel threatened—and fearful of retaliation—by those who live and visit the Motel. It is my belief that many of the neighboring citizens perceive the Delta Inn Motel as a social stigma that attracts and breeds criminal behavior.

In conclusion, I have personal knowledge that several arrests by Bellmead Police Department Officers have taken place within the Delta Inn Motel complex and that many of those arrests were specifically related to serious crimes (e.g., assaults, family violence, warrants, drugs, and etc.). Furthermore, much of the criminal behavior associated to the Motel's patrons and visitors has spilled onto its neighboring residences.

The above comments represent my personal and professional opinions and, as such, are free of any influence from others.


Signature of Officer

SWORN to and SUBSCRIBED before me this 5th day of July A.D. 2003

Notary Public

County of McLennan

Before me, the undersigned authority in and for the State of Texas and the County aforesaid, on this date Officer JAMES W. ESLICK, who being by me duly sworn upon HIS oath deposes and says:

My name is James W. Eslick; I am a certified Peace Officer in and for the State of Texas. I have been employed by the City of Bellmead Police Department for approximately 11 years as a Law Enforcement Officer. I am currently assigned to the Patrol Division of the Bellmead Police Department. My Primary responsibility is to conduct Patrols of both Residential and Commercial Districts to ensure that violations are not committed against the Dignity of the Sate of Texas.

During my tenure as a PATROL OFFICER, I have had several occasions to deal with the individuals that frequent the DELTA INN MOTEL, which is located at 1320 Behrens Circle, Bellmead, McLennan County, Texas. I have personally been involved in investigations that have occurred at the DELTA INN MOTEL and know that this establishment (DELTA INN MOTEL) is a place where DRUG DEALERS, PROSTITUTES, and THIEVES routine congregate.

I have also observed DEFENDANTS travel to and go inside the DELTA INN MOTEL in order to acquire DRUGS, SEX, and to TRADE or SELL THEIR STOLEN PROPERTY. I have also witnessed individuals congregating on the property, ingesting ALCOHOLIC BEVERAGES while on the premises.

I have personally interviewed COMPLAINANTS, who have told me that NARCITOCs, STOLEN PROPERETY, PROSTITUTION, is common place and has in the past been distributed by individuals on the premises of the DELTA INN MOTEL. I also know that numerous ARRESTS have been made by MYSELF, as well as other POLICE OFFICERS of the Bellmead Police Department regarding the Unlawful Possession of DRUGS, STOLEN PROPERTY, and PROMOTION OF PROSITUTION that were on the property of the DELTA INN MOTEL.

Signature *J. Eslick 315*
SWORN to and SUBSCRIBED before me this 27 day of May, A.D., 2003

SEAL



Donna L. Thompson
NOTARY in and for the
STATE of TEXAS

COUNTY OF MCLENNAN

Before me the undersigned authority in and for the State and County aforesaid, on this date, personally appeared Jerry L. Motley, who being by me duly sworn upon his oath deposes and says:

My name is Jerry L. Motley. I am a certified peace officer in and for the State of Texas. I have been employed by the Bellmead Police Department for approximately five years as a Law Enforcement Officer. I am currently assigned to the Agriplex Drug Task Force as a Narcotics Investigator. My primary responsibility is the investigation of narcotics related offenses and the arrest of those offenders.

During my tenure as a Police Officer I have been involved with numerous narcotics related incidents at the Delta Inn Motel located at 1320 Behrens Circle in the city of Bellmead Texas. In 2001 I had received information that crack cocaine was being dealt from several rooms at the motel. The information was received anonymously. Surveillance was established on the motel. Probable cause for a traffic stop was obtained from vehicles that made short stops at the motel. Three traffic stops were made in a few hours. Each stop resulted in the arrest of subjects in the vehicle. One of the three stops resulted in the arrest of two subjects for possession of cocaine. The other two traffic stops resulted in arrest also. If more officers had been available, more stops could have been conducted.

In April of 2001, I received information that methamphetamine was being dealt from room 149 at the Delta Inn. An informant made several attempts to purchase methamphetamine from two subjects. These two subjects did not produce methamphetamine for the informant, but did admitted to selling methamphetamine. Also in April of 2001, crack cocaine was purchased from a room at the Delta Inn. The subject who sold the crack cocaine moved out of the motel shortly after the sale. In August of 2001, a female over dose on heroin in one of the rooms. Her boy friend fled the scene when officers attempted to search the room. Coke cans, used to smoke heroin, were located in the room.

This officer has received numerous reports of controlled substances being manufactured and sold from this motel. Surveillance has shown that numerous known controlled substances user, manufacturers and dealers frequent this motel. In July of 2002, a search and arrest warrant was conducted at the motel. Surveillance was conducted prior to the search warrant being executed. The surveillance revealed the location of a methamphetamine manufacturer that was frequenting the motel, and manufacturing the methamphetamine at another location. The search warrant at the motel resulted in the arrest of one subject for possession of methamphetamine. The results of this warrant was also provided probable cause for the execution of a second search warrant at another location, where a methamphetamine laboratory was found.

Continued surveillance of the motel revealed that an employee of the motel was being called upon at her room by known methamphetamine manufacturers. The known methamphetamine manufacturers spent the night in the employees room on more than one occasion. This officer spoke with the employee. The employee denied any knowledge of knowing any of the methamphetamine manufacturers.

This officer has also spoken with several other employees attempting to obtain simple information, such as who is staying in which room of the motel. Two of the employees have been told by the management not to give this information to law enforcement with out the consent of the management. I wish not to reveal the names of the employees for their safety and welfare. These employees have continued to cooperated with this officer in a clandestine fashion, which has resulted in the identification of several suspects known to deal in controlled substances and other illegal activities.

I know that the Agriplex Drug Task Force has executed three search warrants at the Delta Inn in the last three years. Each resulted in the arrest of subjects for possession of controlled substances. A copy of the last report and search warrant is attached with this affidavit. The Agriplex Drug Task Force continues to receive information about persons who live at the motel dealing and manufacturing controlled substances.

[Handwritten Signature]

Signature of officer

SWORN to and SUBSCRIBED before me this 27th day of May, A.D. 2003.

[Handwritten Signature]

Notary Public



STATE OF TEXAS
COUNTY OF BOWIE
CITY OF TEXARKANA

STATEMENT TAKEN: Date 5-23-03
Time 10:07 PM
LOCATION: 100 N. STATE LINE AVE
BY: SERGEANT MIKE WISER

Before Me, the undersigned authority in and for the State, County, and city of Texarkana foresaid, on this day personally appeared Officer Mike Harris who by me first duly sworn upon deposes and says:

My name is Mike Harris and I have been employed as a police officer for the city of Texarkana Texas for over three (3) years. During this time I have held the rank of patrolman and have been assigned beat work and special narcotics interdiction assignments in the area of the Tri-State Motel, 819 W. 7th. St. Texarkana, Texas.

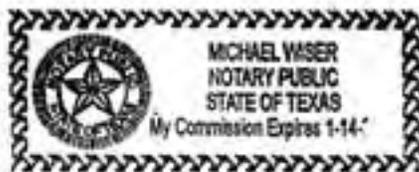
At the beginning of my career I was told by all of my training officers that the Tri-State Motel was well known for narcotics trafficking and prostitution. Even before I became a police officer I was told by several people that prostitutes, and dope could be found at the Tri-State Motel, it was well known for it's activities.

During my three (3) years with the police department I have conducted and assisted with surveillance, and made arrests from the Tri-State Motel for narcotics and prostitution. I have personally identified approximately thirty (30) prostitutes who work in and around this location, and all are known narcotics users. I have been told by informants and citizens that rooms at this motel were actively selling "crack" cocaine, and have made arrest from these rooms after gaining consents to search from the occupants from a knock and talk contact and locating suspected cocaine. The owners of the property live on site and know who these people are and what they are doing. The owners have banned, for Criminal Trespass, several of these subjects in the past, only to void the banning whenever the subjects return with cash to rent a room. The owners also have neglected the buildings long enough that they have taken on a run down appearance and are an eyesore. The interiors of the rooms are filthy and drug paraphernalia can be found hidden throughout most of them.

It is My Professional opinion that this location and its Illegal activities are responsible for a large portion of the crime in the surrounding area as well as crime throughout Texarkana. I also believe that the closure of this establishment would better the quality of life in this area, and Texarkana as a whole.

Signature 

Sworn to and subscribed before me this 23rd day of May, A.D. 2003





Michael Wisner
Notary public in and for Bowie Co. Texas

State of Texas

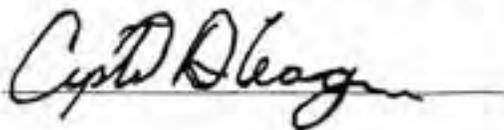
County of Galveston

Before me the undersigned authority in and for said county and state, on this May 12 personally appeared Officer Crystal Teague 834, who being by me duly sworn upon HER oath deposes and says:

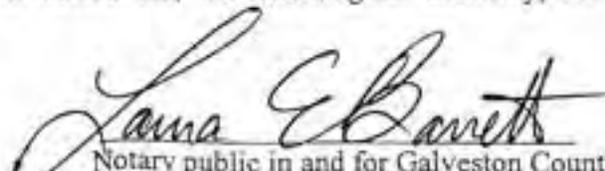
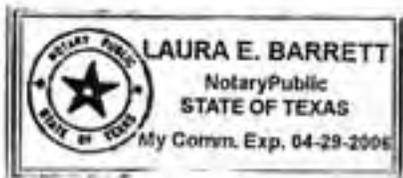
My name is Crystal Teague. I am a certified Peace Officer in and for the State of Texas. I have been employed by the CITY OF GALVESTON POLICE DEPARTMENT for approximately 18 years as a Law Enforcement Officer. I am currently assigned to the GALVESTON POLICE DEPARTMENT'S Criminal Investigation Division. My primary responsibility has been to investigate criminal offenses occurring in the City of Galveston, Galveston County and those that are committed against the Peace and Dignity of the STATE OF TEXAS.

I have been a Galveston Police Officer for the last eighteen years and during my tenure, I was assigned to the patrol division for the first sixteen years, before being assigned to work the Criminal Investigation Division Domestic Violence unit. I have known that numerous arrests have been made at the Allens Motel which involve illicit narcotics possessions and sales. I have observed that prostitutes were operating from the property while responding to repeated dispatched calls of citizen complaints concerning the presence and activities of suspicious persons, specifically described as prostitutes and dope dealers. Based upon the frequency of citizen complaints, I included the Allens Motel location as a specific patrol check for prostitution and dope dealing activities. I did observe the 'suspicious' activity being complained about by other citizens, which involved known and identified prostitutes. The majority of the prostitutes that I encountered, on or leaving from the Allens Motel property were found to be in possession of narcotic paraphernalia such as crack pipes.

I have completed one arrest of a subject for the offense of Felony Possession of Marijuana when he was detained and arrested on the property of the Allens Motel.



Subscribed and sworn to before me, the undersigned authority, on this the 30th day of May A.D.2003.



Notary public in and for Galveston County, Texas
4-29-06

STATE OF TEXAS
COUNTY OF BOWIE
CITY OF TEXARKANA

STATEMENT TAKEN: DATE 5-28-03
TIME 8:25 PM
LOCATION: 100 N. State Line Ave.
BY: Sergeant Mike Wiser

Before Me, The undersigned authority in and for the State, County, and City of Texarkana foresaid, on this day personally appeared, Brent caudle who being by me first duly sworn upon his oath deposes and says:

My name is Brent Caudle and I am a Texarkana, Texas Police Officer. I have been a Police Officer for eight years assigned to the Patrol Division, currently as a Field Training Officer. During the past eight years I have been assigned be work, along with special details at and in the area of the Tri-State Motel 819 W. 7th. St. Texarkana, Texas. This area is a known drug and prostitution location and has been as long as I have been here at the Texarkana Texas Police Department. I first learned about this location from my training officers, shortly after beginning my employment with the Texarkana Texas Police Department and I'm still aware of violations at this location. These violations include prostitution and drug activity associated with dealing and using of illegal drugs including the most popular being "crack" cocaine. The prostitutes roam within and around the Tri-State Motel until they are picked up by a "John" and the prostitution acts are carried out. I have assisted in the surveillance and arrest, of several of these violators, which begin within the Tri-State Motel and usually end up away from the property following the exchange and purchase of drugs or sexual agreement. The admittance of these people by the management of the Tri-State Motel is directly related to the problems that surround it. I have spoken with residence who live in the Motel on a permanent basis and residents in the surrounding community and all are concerned for their safety and well being along with the integrity of the area due to the people and activity that the Tri-State Motel draws. The Tri-State Motel is one of the largest contributors of crime and illegal activity in the Texarkana Texas and Texarkana Arkansas area, and its closure would greatly enhance the quality of life for the citizens and business' of the community and city of Texarkana.

Signature

Brent Caudle

Sworn to and subscribed before me this 28TH day of MAY, A.D. 2003

Michael Wiser
Notary public in and for Bowie co. Texas