Written by **Mary McHugh** on August 20, 2010

Former D.A. Garza Indicted in Texas for Misuse of Funds

Joe Frank Garza, a former district attorney for the Texas counties of Brooks and Jim Wells, was indicted late Wednesday, August 18, by a special Jim Wells County Grand Jury.?

Garza, who was in office from 2002–2008, was accused "with the offense 32.45 Misapplication of Fiduciary Duty, 1st Degree Felony, in violation of the Penal Laws of Said State." More specifically, according to the Texas Watchdog website, though the indictment said over $200,000 of funds was misused, when Garza lost his bid for reelection, his successor asked the state Attorney General to perform an audit. This found that actually about $1.2 million of drug seizure forfeitures had been paid to three secretaries — who each are usually salaried at $29,000 per year — and another $81,000 paid to himself from January of 2002 to the close of 2008. Said the Texas Watchdog, "The audit found money transferred to employees for car allowances, stipends, reimbursements, advances, audits, travel and contract labor."

The total amounts involved may be considerably more. According to Caller.com: "The Texas Attorney General's office has investigated Garza since May 2009 after an audit commissioned by Jim Wells County commissioners showed Garza spent more than $4.2 million of the forfeiture fund from 2000 through 2007 on trips to casinos and extra pay for his staff, among other things."

CNN had interviewed Garza in 2009, when he insisted that the payments were legal. But according to prosecutors, without the approval of county commissioners, Texas officials are forbidden to convert money from forfeiture cases to their personal use, or to supplement salaries using these funds. The indictment states that Garza did not obtain these permissions. In addition, there may have been up to a dozen other staff employees with whom he shared this largesse.

According to a 2009 White House Profile of Drug Indicators report for the State of Texas: "Bulk currency smuggling is the most popular and effective means employed in transporting drug related proceeds to criminal organizations based in northern Mexico. It is not unusual for state and local police officers to make seizures of hundreds of thousands or millions of 'narco' dollars headed southbound through Texas."

Caller.com explained how these monies are split in the case of Joe Frank Garza's district, saying:

> For years, Jim Wells County Sheriff's deputies, Alice (Texas) police and Department of Public

Safety troopers have targeted traffic along U.S. Highway 281 for search and seizures.

In Jim Wells County, the practice has been to seize the cash and cars. The cash is divided between the district attorney's office and the law enforcement agency that stopped the vehicle.

State law gives latitude to county officials with control of forfeiture funds, stating the money can be spent for "official purposes" of the district attorney or "law enforcement purposes" of law enforcement agencies.

Former D.A. Garza has been released on $10,000 bond.

Photo: AP Images (Note: The sheriff pictured is not *associated with the Texas counties of Brooks and Jim Wells.)*

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