



Legislation Text

File #: 20-1624, **Version:** 1

District Attorney recommending the Board approve and authorize the County's acceptance of unclaimed asset forfeiture funds related to case S14CRF0012 in the amount of \$6,688.91.

FUNDING: State Forfeited Property Fund.

DISCUSSION / BACKGROUND

On January 20, 2014, law enforcement drug task force, SLEDNET seized \$6,360 ("Property") from defendant identified as Cruz, case# S14CRF0012. Cruz's criminal case was disposed of through a plea agreement entered on April 1, 2014. On August 17, 2015, the Court ordered the Property be returned to Cruz.

On August 28, 2015, the County of El Dorado Auditor's Office issued check no. 045108 in the amount of \$6,386.80, representing the Property plus \$26.80 in interest earned. The check was sent by certified mail to the address on file, but was returned as undeliverable on November 19, 2015. Since that time, the District Attorney Investigations Unit has made multiple attempts to locate Cruz, to no avail. The original check issued by the County has thus become stale and no longer valid.

Per California Penal Code sections 1420, 1421, and 1422:

1420. All money received by a district attorney or clerk of the court in any criminal action or proceeding, the owner or owners of which are unknown, and which remains unclaimed in the possession of the district attorney or clerk of the court after final judgment in the criminal action or proceeding, shall be deposited with the county treasurer. Upon the expiration of two years after the deposit, the county treasurer shall cause a notice pursuant to Section 1421 to be published in the county once a week for two successive weeks in a newspaper of general circulation published in the county.

1421. The notice shall state the amount of money, the criminal action or proceeding in which the money was received by the district attorney or clerk of the court, the fund in which it is held and that it is proposed that the money will become the property of the county on a designated date not less than 45 days nor more than 60 days after the first publication of the notice.

1422. Unless some person files a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county in which the notice is published, and serves a copy of the complaint and the summons issued thereon upon the county treasurer before the date designated in the notice, upon that date the money becomes the property of the county and shall be transferred by the treasurer to the general fund.

The Property was received by the District Attorney in a criminal action in which final judgment has occurred and the owner's whereabouts remain unknown. Therefore, pursuant to Penal Code 1420-1422, a notice was published in the Tahoe Daily Tribune once a week for two consecutive weeks during September 25, 2020 through October 2, 2020. The notice offered the public until November

15, 2020 to submit any complaints to the El Dorado County Superior Court, claiming ownership of the Property. The District Attorney's Office has confirmed there have been no claims made to date. The unclaimed Property, plus all calculated interest and less publication fees, is now considered forfeited to the County of El Dorado's General Fund.

ALTERNATIVES

Should the Board decline approval of the property turnover, the funds will continue to accumulate interest and serve no purpose for either the County or the Public.

PRIOR BOARD ACTION

N/A. There have been no related prior board actions.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

A journal will be processed to transfer a total estimated amount of \$6,688.91 from the DA- State: Forfeited Property Account (org 7922316) to the County's Non-Departmental General Fund (org 1560600). This transfer will increase cash in the County's General Fund.

Amount Seized	\$6,360.00
Less Publication Cost	\$ 112.26
	\$6,247.74
Est. Accrued Interest	\$441.17
Total Funds to be Transferred	\$6,688.91

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

N/A

CONTACT

Vern Pierson