

OCT 13 2009

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NO. 10493

ATTEST: 
BY: _____
DEPUTY

TIME _____
BY _____
THE STATE OF TEXAS DEPUTY

IN THE _____
371ST DISTRICT COURT COURT

V.

1997 DODGE PICKUP

§
§
§
§
§

TARRANT COUNTY, TEXAS

NOTICE OF SEIZURE AND INTENDED FORFEITURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, The State of Texas, Petitioner herein, and files this Notice of Seizure and Intended Forfeiture pursuant to Chapter 59, Texas Code of Criminal Procedure and for cause of action would show the Court as follows:

I.

The Petitioner is the State of Texas. Discovery, if any, will be conducted pursuant to level one (1), pursuant to Rule 190.2 of the Texas Rules of Civil Procedure. Petitioner affirmatively pleads she seeks only monetary relief of \$50,000.00 or less, excluding costs, pre-judgment interest and attorney's fees, if applicable and allowed by law.

II.

The following persons and/or entities may be owners or interest holders of the property made the subject of this cause of action and may be served with process at the addresses provided:

ALAN LANCE ALVERSON
2319 River Road
Granbury, Texas 76048

HENRY W. COWAN
2319 River Road
Granbury, Texas 76048

III.

On or about the date and at the place below, the property described below was seized by peace officers of the State of Texas under Chapter 59, Texas Code of Criminal Procedure, as further alleged and described by the Sworn Statement of the Seizing Peace Officer, T. Denison, I.D. no. 407, attached hereto and incorporated herein by reference for all purposes.

Property A:

Date of Seizure: September 30, 2009

Location: 100 Pemberton, White Settlement, Tarrant County, Texas

Description: One (1) 1997 Dodge Pickup VIN 1B7GL23X0VS296921 and contents therein

Seizing Officer(s): T. Denison, I.D. No. 407

Potential Owners, Lienholders, Others With Interest:

ALAN LANCE ALVERSON
2319 River Road
Granbury, Texas 76048

HENRY W. COWAN
2319 River Road
Granbury, Texas 76048

Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was used or intended to be used in the commission of a felony under Chapter 481, Texas Health and Safety Code (Texas Controlled Substances Act).

In the alternative, Property A is contraband and is subject

to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same is proceeds gained from the commission of a felony under Chapter 481, Texas Health and Safety Code (Texas Controlled Substances Act).

In the alternative, Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was acquired with proceeds gained from the commission of a felony under Chapter 481 of the Health and Safety Code (Texas Controlled Substances Act).

IV.


The property described hereinabove was seized by peace officers of the State of Texas. The State of Texas is entitled to have such property forfeited and title rendered to the State of Texas or an agency of the State or a political subdivision authorized to employ peace officers.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that the persons and entities entitled to service named herein be cited to appear and answer, that upon hearing this court enter a judgment of Forfeiture of the described property to Petitioner, that this court award possession and title to such property to the Petitioner to be administered pursuant to Chapter 59 of the Texas Code of Criminal Procedure, for interest, if any from the date of deposit in an interest bearing account, for cost of court and for

such other and further relief as the Petitioner may show itself to be entitled.

Respectfully submitted,

JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

By: 
JESSE F. MCCLURE, III, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124
Ph. (817) 492-5222
Fax (817) 492-5235
State Bar No. 24013126

Sworn Statement of Seizing Officer

I, T. Denison #407, am over eighteen years of age, have personal knowledge of the facts asserted below and am competent to testify to those facts under oath that the following statements are true and correct.

I am a Peace Officer under the laws of the State of Texas, and am employed by the White Settlement Police Department, currently assigned to the Tarrant County Narcotics Unit – West Sector (TCNU), a law enforcement agency, and do hereby acknowledge that under the authority of Chapter 59 of the Texas Code of Criminal Procedure, I seized the property listed on the attached “Schedule of Seized Property” which by this reference is made a part hereof and incorporated herein for all purposes, and I do further state under oath my factual and legal reasons for seizure of said listed property are as follows:

- A. On 09-30-09 at about 1517 hours Officer F. Blaustein # 441 a Police Officer with the City of White Settlement conducted a traffic stop on a 1997 Dodge Dakota truck, Texas LP # 50H-LH3.
- B. The vehicle was stopped in the 100 block of Pemberton, White Settlement, Tarrant County, Texas. The traffic stop was conducted as the driver was observed by Officer Blaustein using his cell phone traveling through a school zone in the 8800 block of White Settlement Road.
- C. Officer Blaustein approached the driver of the vehicle and identified him as being Alan L. Alverson, W/M, 02/25/1969. Blaustein stated that Alverson appeared to be nervous and began sweating. Officer Blaustein wrote Alverson a warning citation and approached the vehicle again. Blaustein observed that Alverson was sweating a great amount at this time and the temperature was not extremely hot.
- D. Blaustein then asked Alverson to exit the vehicle and began interviewing Alverson. Blaustein also identified the passenger of the vehicle, a white female, Brandy Huckabee. At this time Huckabee advised Blaustein that she possibly had warrant for her arrest.

- E. Blaustein asked Alverson for voluntary consent to search his truck and Alverson asked if he was under arrest. Blaustein then requested that K9 Officer Dacus make his location. Blaustein advised that once another officer was on scene he again asked Alverson for voluntary consent to search the truck. Alverson voluntarily consented to the search of the vehicle.
- F. Dacus and his K9 partner "Ringo" began a search of the vehicle. Dacus located two baggies containing a crystallized substance believed to be methamphetamine. Blaustein then placed Alverson under arrest for possession of a controlled substance.
- G. There were several baggies, a digital scale, and two glass pipes with burnt residue located in the vehicle. Blaustein received the return on Huckabee at this time and was advised that she did have confirmed warrants for her arrest. While Blaustein was placing Huckabee in a patrol car she advised him that Alverson had thrown a syringe out of the passenger window when Blaustein was walking back to his patrol vehicle. These items were located hidden in a black zippered pouch stuffed underneath the dash.
- H. Blaustein searched the immediate area around the passenger side of the vehicle and located a syringe lying on the ground. Blaustein took photographs of the evidence and conducted a field presumptive test on the crystalline substance.
- I. The first baggy weighed 0.6 grams and the second baggy weighed 1.8 grams. Blaustein received a positive result when using the NIK Field Test Kit "U" for methamphetamine, when testing the crystalline substance. Alverson was arrested on the charge of Possession of a Controlled Substance PG 1 $> = 1g < 4g$.
- J. Once Alverson was transported to the White Settlement Jail he began having chest pains and Med-Star transported him to John Peter Smith Hospital. Alverson was released from custody and a warrant for his arrest is pending.

I, Investigator T. Denison #407, seized the property listed on the attached "Schedule of Seized Property" and I contend said items were used or intended to be used in the commission of a felony under Chapter 481, Texas Health and Safety Code, and / or said items are proceeds or were acquired with proceeds gained from the commission of a felony under chapter 481, Texas Health and Safety code (Texas Controlled Substance Act).

Denison #407

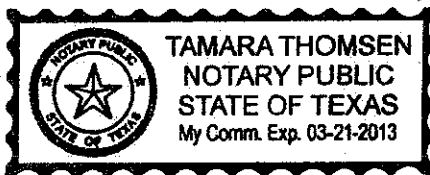
Seizing Officer, Investigator T. Denison #407
TCNU West Sector

Subscribed and Sworn to Before Me, the Undersigned Notary Public, on this

the 9 day of OCTOBER, 2009.

Seal

Tamara Thomsen
Notary Republic, State of Texas



Schedule of Seized Property
09W304

1. 1997, Green, Dodge Pickup, Texas License Plate # 50H-LH3,
VIN # 1B7GL23X0VS296921.