**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

§ IN THE JUSTICE COURT

IN THE MATTER OF §

§

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § PRECINCT \_\_\_\_

§

§

§ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**Order to Return or Dispose of alleged Gambling Paraphernalia, Prohibited Weapons, Criminal Instruments, or Other Contraband**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_at\_\_\_:\_\_\_ \_\_.m., theproperty/proceeds described below was/were seized from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at the following location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Detailed description of property/proceeds that was/were seized *(including total amount of any alleged gambling proceeds)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Appearances**

* A hearing was held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ and the following parties

appeared: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* The person who was in possession of the seized property/proceeds was provided the required notice under Code of Criminal Procedure Art. 18.18 and failed to appear.
* No notice was required, and no hearing was held.

**Findings and Orders**

* The court **FINDS** by a preponderance of the evidence that the property/proceeds described above is/are not gambling equipment, altered gambling equipment, gambling paraphernalia, gambling devices, gambling proceeds, prohibited weapons, obscene devices or material, child pornography, criminal instruments, scanning devices or re-encoders, or dog-fighting equipment. The court further finds that the person named below is entitled to the property/proceeds. The court therefore **ORDERS** that the property/proceeds be returned to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* The court **FINDS** that the person who was in possession of the seized property/proceeds described above:
* Failed to appear and so forfeited any interest in the property/proceeds.
* Failed to prove by a preponderance of the evidence that the property/proceeds is **NOT** gambling equipment, altered gambling equipment, gambling paraphernalia, gambling devices, gambling proceeds, prohibited weapons, obscene devices or materials, child pornography, criminal instruments, scanning devices or re-encoders, or dog-fighting equipment.

The court therefore **ORDERS** that the property/proceeds be:

* Destroyed.
* Forfeited and delivered to the:
* State
* Political subdivision of the state: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* State institution or agency: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Grand jury of the county where they were seized for use in investigating alleged violations of the Penal Code *(this is an option for gambling proceeds)*.
* Law enforcement agency that seized the prohibited weapon *(this is an option if a motion was filed by the law enforcement agency).*
* The court **FINDS** that a final conviction was entered for an offense involving the prohibited weapon described above and the convicting court did not order the destruction or forfeiture of the weapon by the 30th day after final conviction. The court therefore **ORDERS** that the prohibited weapon be:
* Destroyed.
* Forfeited and delivered to the law enforcement agency that initiated the complaint.

**ISSUED AND SIGNED** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_**.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS