

CAUSE NO. _____

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
V. § _____ COUNTY, TEXAS
[INSERT PROPERTY] § _____ JUDICIAL DISTRICT

**DEFENDANT’S REQUESTS FOR ADMISSIONS, INTERROGATORIES,
AND PRODUCTION OF DOCUMENTS**

Pursuant to Rules 196, 197, and 198 of the Texas Rules of Civil Procedure, Defendant hereby serves these Requests for Admissions, Interrogatories, and Production of Documents to Plaintiff.

The answer to Interrogatories shall be made under oath by Plaintiff, separately and fully in writing, on or before the 30th day after receipt of such Interrogatories and shall be delivered to Defendant. You are further charged with the duty, as imposed by Rule 193.5, Texas Rules of Civil Procedure, to supplement these answers not less than thirty (30) days before the beginning of trial in this case if you later obtain information upon which:

- a. You or your attorney know that your answer to one or more of the following Interrogatories was incorrect or incomplete when made; or
- b. You or your attorney know that your answer to one or more of the following Interrogatories, though complete when made, is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.

As used in the attached requests:

“**Identify**” when referring to a person, means to state that person’s full name, complete present or last known address, including the street, street number, route number, city, county,

state, zip code, home and cell phone numbers, and, if known, present or former employment, including the name of the person's employer and the employer's complete address.

“Document” means and includes all originals when available, and otherwise a carbon copy, photocopy, or other identical or non-identical copy, of any papers, books, accounts, writings, drawings, graphs, charts, photographs, electronic, video, or audio recordings, and other data compilations.

Additionally, Defendant requests Plaintiff to admit the truth of the following matters of fact for the purpose of such action only, and subject to all proper objections to admissibility which may be made at the trial of this cause. These requested admissions are made under Rule 198 of the Texas Rules of Civil Procedures, and each of the matters of which an admission is requested shall be deemed admitted unless the party to whom the request is directed delivers or causes to be delivered to the party requesting the admissions, a response within thirty (30) days or such further time as the Court may allow on motion, either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.

If any request cannot be admitted or denied, please specify on a separate sheet the reasons why the request cannot be admitted or denied and any efforts made to obtain information sufficient to allow you to admit or deny the request. Under Rule 198.2, an answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or obtainable by him is insufficient to enable him to admit or deny.

Additionally, Defendant requests Plaintiff to produce for inspection the documents requested herein, pursuant to Rule 196. This request for production may be complied with by

mailing copies of the requested documents to Defendant within thirty (30) days of the receipt of this request. To the extent any request for production is objected to, please set forth a complete basis for the objection. If you object to only a portion of a particular request, specifically identify the portion of the request to which you are objecting and respond completely to the remainder.

INTERROGATORIES

INTERROGATORY ONE: For each person listed in Defendant's Request for Disclosure under Rule 194.2(e), please state in detail the relevant facts of which each person has knowledge.

INTERROGATORY TWO: For each person you plan to call to testify at trial, other than a testifying witness, please:

- a. Identify each person.
- b. State the matter on which the person is expected to testify.
- c. State the substance of the anticipated testimony.
- d. Identify each and every document, including, but not limited to, any statement of any person with knowledge of relevant facts, that has been prepared by or reviewed by the person who is expected to testify, with regard to the subject matter of this case.

INTERROGATORY THREE: Identify any and all felony offenses that you allege or plan to allege were committed in relation to the seizure of the property at issue in this case.

INTERROGATORY FOUR: Under what statute and/or regulation(s) was this asset forfeiture established?

INTERROGATORY FIVE: How much money do you expect your office to retain from this seizure?

INTERROGATORY SIX: Identify the relationship or nexus between the property that was seized and the alleged underlying criminal activity.

INTERROGATORY SEVEN: Have you filed or do you intend to file criminal charges in relation to the alleged underlying crime or wrongdoing?

INTERROGATORY EIGHT: Describe the probable cause that supported the seizure.

INTERROGATORY NINE: Did you or any other person or entity prepare any preliminary, final, or other written reports of any kind concerning in any manner the seizure of the property that is at issue in this case? If so:

- a. Identify the person who currently has custody of each report.
- b. Give the date of each report.
- c. Identify the author(s) of each report.
- d. Identify the person who initially requested the preparation of each report.
- e. State the conclusions reached in each report.

INTERROGATORY TEN: [CONTINUE INTERROGATORIES AS NEEDED. DO NOT GO OVER NUMBER OF INTERROGATORIES ALLOWED. (Remember: On a Level 1 discovery plan, you can only serve up to 15 interrogatories. On a Level 2 discovery plan, you can only serve up to 25 interrogatories.)]

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION ONE: Produce all documents or reports that have been prepared by those persons you plan to call at trial.

REQUEST FOR PRODUCTION TWO: Provide all documents, materials, or tangible things which you state support forfeiture in this case or support the allegations or assertions which you have raised or will raise.

REQUEST FOR PRODUCTION THREE: Provide the sworn statement from the seizing officer or individual to the attorney representing the State that contains a schedule of the property seized, an acknowledgment that the officer seized the property, and a list of the officer's reasons for seizure.

REQUEST FOR PRODUCTION FOUR: [CONTINUE REQUESTS FOR PRODUCTION AS NEEDED.]

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION ONE: That the property seized is alleged to be proceeds gained from the commission of a felony.

REQUEST FOR ADMISSION TWO: That the property seized is alleged to be property acquired with proceeds gained from the commission of a felony.

REQUEST FOR ADMISSION THREE: That the property seized is alleged to be property used to commit a crime.

REQUEST FOR ADMISSION FOUR: That the property seized is alleged to be property intended to be used to commit a crime.

REQUEST FOR ADMISSION FIVE: That the property seized is alleged to be used or intended to be used in sex crimes against children or trafficking.

REQUEST FOR ADMISSION SIX: That the property seized is alleged to be used in connection with money laundering.

REQUEST FOR ADMISSION SEVEN: That the law enforcement officer who seized the property placed the property under seal no later than 72 hours after seizure.

REQUEST FOR ADMISSION EIGHT: That the law enforcement officer who seized the property removed the property to a place ordered by a court not later than 72 hours after seizure.

REQUEST FOR ADMISSION NINE: That the law enforcement officer who seized the property required a law enforcement agency of the State or a political subdivision to take custody of the property and move it to a property location not later than 72 hours after seizure.

REQUEST FOR ADMISSION TEN: [CONTINUE REQUESTS FOR ADMISSION AS NEEDED.]

Respectfully submitted,

[SIGN YOUR NAME]
[PRINT YOUR NAME]
[ADDRESS]
[PHONE NUMBER]
[EMAIL]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent on the [DAY] day of [MONTH] [YEAR] by regular U.S. mail, by facsimile, or certified mail, return receipt requested, to the following parties or attorneys of record:

[NAME OF THE STATE'S ATTORNEY], Attorney at Law
[ADDRESS OF THE STATE'S ATTORNEY]

[NAME EACH INTERESTED PARTY OR THEIR ATTORNEY, IF REPRESENTED]
[ADDRESS OF INTERESTED PARTY OR THEIR ATTORNEY, IF REPRESENTED]

[SIGN YOUR NAME]