

**RICHARD SMOTHERMON
DISTRICT ATTORNEY, DISTRICT 23
STATUTORY REPORT
PROPERTY FORFEITURE FUND
FOR THE YEAR ENDED
JUNE 30, 2005**

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STATE OF OKLAHOMA
OFFICE OF THE AUDITOR AND INSPECTOR

JEFF A. McMAHAN
State Auditor and Inspector

May 30, 2007

Richard Smothermon, District Attorney
District 23

Transmitted herewith is the statutory report for the District Attorney of District 23, Lincoln and Pottawatomie Counties, Oklahoma (the District), for the fiscal year ended June 30, 2005. A report of this type is critical in nature; however, we do not intend to imply that there were not commendable features in the present accounting and operating procedures of the District.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during the conduct of our procedures.

The Office of the State Auditor and Inspector is committed to serve the public interest by providing independent oversight and to issue reports that serve as a management tool to the state to ensure a government which is accountable to the people of the State of Oklahoma.

Sincerely,

A handwritten signature in black ink that reads "Jeff A. McMahan".

JEFF A. McMAHAN
State Auditor and Inspector

**RICHARD SMOTHERMON, DISTRICT ATTORNEY
DISTRICT 23
STATUTORY REPORT
JUNE 30, 2005**

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INTRODUCTORY INFORMATION

Most district attorneys in the state have a Property Forfeiture Fund. The fund is not subject to fiscal year limitations and is to be used for enforcement of controlled dangerous substance laws, drug abuse prevention and education, and is maintained by the District Attorney to be used at his or her discretion for those purposes. The revenues for said fund come from the proceeds of forfeited assets.

Any cash, vehicles, real property, or other assets used in the commission of or acquired as a result of a crime as described in the Uniform Controlled Dangerous Substances Act is presumed to be forfeitable.

Asset forfeiture is an effective law enforcement tool used by local district attorneys to deprive criminals of their ill-gotten gains by seizing the proceeds of criminal activity and property used to facilitate crime. The proceeds of seized, forfeited assets make a substantial contribution to the investigation and prosecution of drug related offenses.



STATE OF OKLAHOMA
OFFICE OF THE AUDITOR AND INSPECTOR

JEFF A. McMAHAN
State Auditor and Inspector

Statutory Report

Mr. Richard Smothermon
District Attorney, District 23
Pottawatomie County Courthouse
Shawnee, Oklahoma 74801

For the purpose of complying with 74 O.S. §212 (E) and 63 O.S. §2-506, we have performed the following procedures as it relates to the records of the Property Forfeiture Fund for the fiscal year 2005:

- Examine a group of receipts and deposit slips for propriety.
- Review sale documentation for selected cases to determine whether forfeited assets were sold after due notice at public auction to the highest bidder in accordance with 63 O.S. §2-508.C.3.
- Review the distribution of proceeds of the sale for selected cases to determine the distribution was in accordance with Court order pursuant to 63 O.S. §2-506.K.
- Determine whether expenditures tested were used for enforcement of controlled dangerous substance laws, drug abuse prevention and education in accordance with 63 O.S. §2-506.L.3.
- Determine whether expenditures tested were supported by approved claims, invoices, and independent verification that goods or services paid for were received in accordance with 63 O.S. §2-508.C.3.
- Determine whether the District Attorney prepared and submitted an annual report to the Board of County Commissioners showing the total deposits, total expenditures, beginning and ending balances in accordance with 63 O.S. §2-506.L.3.
- Determine whether expenditures were properly classified and whether the District Attorney reconciles the balance with the County Treasurer monthly in accordance with 63 O.S. §2-508.C.3.

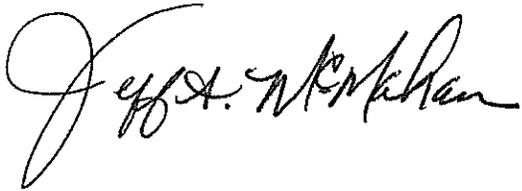
Our engagement was limited to the procedures performed above and was less in scope than an audit performed in accordance with accounting standards generally accepted in the United States of America. Accordingly, we do not express an opinion on any general-purpose financial statements of Lincoln or Pottawatomie County.

Based on our procedures performed, the District is properly receipting and depositing the proceeds of forfeitures; forfeited assets were sold after proper notice at public auction to the highest bidder; the proceeds of forfeitures were distributed as directed by Court orders; expenditures were made for lawful uses; expenditures were supported by approved claims, invoices, and independent verification that goods or services paid for were received; the District Attorney prepared and submitted an annual report to the Board of County Commissioners; expenditures were properly classified; and the District Attorney reconciles the balance of the Property Forfeiture Fund with the County Treasurer's records monthly.

We have prepared a detailed analysis of the Property Forfeiture Fund, which is presented following this report.

This report is intended for the information and use of the District Attorney and Lincoln County and Pottawatomie County officials. However, this report is a matter of public record and its distribution is not limited.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff A. McMahhan". The signature is written in a cursive, flowing style with a large initial "J".

JEFF A. McMAHAN
State Auditor and Inspector

February 20, 2007

RICHARD SMOTHERMON, DISTRICT ATTORNEY
DISTRICT 23
STATUTORY REPORT
JUNE 30, 2005

PROPERTY FORFEITURE FUND ANALYSIS

BEGINNING CASH BALANCE ON JULY 1, 2004 \$ 20,036

INCOME

Cash forfeited	159,303	
Court ordered assessments	5,825	
Value non-cash assets forfeited and sold	3,000	
Other: Match contributions	20,000	
Insurance settlement	<u>4,000</u>	
TOTAL INCOME (before distributions)		<u>192,128</u>

DISTRIBUTION TO OTHER AGENCIES

Cash returned to other agencies	23,826	
Other: Supplies and operations for other agencies	1,054	
CV-04-451 JE	100	
CV-04-70 JE	<u>6,000</u>	
TOTAL DISTRIBUTIONS		<u>30,980</u>

EXPENDITURES BY DISTRICT ATTORNEY

Personnel and benefits	32,655	
Cost of prosecution/investigation	348	
Education/prevention	5,101	
Equipment	10,526	
Operating expenses	1,823	
Rent	149	
Other: Pott. Co. DA Rev. Acct. (Federal Drug Match Money)	5,000	
Pott. Co. DA Rev. Acct. (DA Authorized Transfer)	46,215	
Filing fee of notice of pendency (OBND case)	21	
Forfeiture settlement return	1,690	
Auditing fees	<u>1,971</u>	
TOTAL EXPENDITURES BY DISTRICT ATTORNEY		<u>105,499</u>

ENDING CASH BALANCE ON JUNE 30, 2005 \$ 75,685