

DATE OF INDICTMENT  
July 17, 2007  
**THE STATE OF TEXAS**

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

**VS.**

**OFFENSES**  
**THEFT BY A PUBLIC SERVANT**  
**TPC 31.03(a)(1)**  
**3<sup>rd</sup> Degree Felonies**

**MISAPPLICATION OF FIDUCIARY**  
**PROPERTY**  
**TPC 32.45(b); 32.03**  
**3<sup>rd</sup> Degree Felony**

**RICHARD HERNANDEZ**  
**(WM) (DOB: 01-06-1956)**  
**299 BOBS TRAIL**  
**BASTROP, TEXAS 78602**

**ABUSE OF OFFICIAL CAPACITY**  
**TPC 39.02(a)(2)**  
**State Jail Felony**

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## **INDICTMENT**

**IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:**

THE GRAND JURORS for Bastrop County, Texas, duly organized as such at the January Term (extended), A.D., 2007, of the 21<sup>st</sup> District Court of Bastrop County, Texas, upon oath in said Court present that, before the presentment of this indictment:

### **COUNT I**

#### **THEFT BY A PUBLIC SERVANT**

in Bastrop County, Texas, **RICHARD HERNANDEZ**, hereafter styled defendant, on or about and between January 24, 2005 and February 28, 2005, in a continuing course of conduct, did then and there unlawfully appropriate property by deception, to-wit: money, and the total aggregate value of property so obtained was \$1,500 or more but less than \$20,000, with the intent to deprive Bastrop County, the owner of the property, and without the effective consent of the owner, Bastrop County, by selling a car owned by the Bastrop County Sheriff's Office for \$13,000, buying that car in his individual capacity for \$13,000, and subsequently selling that car for \$28,500, which he personally kept, and **RICHARD HERNANDEZ** was then and there a public servant at the time of the offense, and the property appropriated came into the defendant's custody, possession, or control by virtue as of his status as a public servant;

### **COUNT II**

#### **MISAPPLICATION OF FIDUCIARY PROPERTY**

The Grand Jury further presents that on or about and between March 25, 1998 and December, 21, 2006, in a continuing course of conduct, in Bastrop County, Texas, **RICHARD HERNANDEZ**, did then and there intentionally and knowingly misapply property, to-wit: money and vehicles, of a value of \$20,000 or more but less than \$100,000, that the defendant held as a fiduciary or as a person acting in a fiduciary capacity contrary to an agreement under which the defendant held the property in a manner that involved substantial risk of loss of the property to Bastrop County, the owner of said property, and the persons for whose benefit the property was held, by selling vehicles owned by the Bastrop County Sheriff's Office for less money than the vehicles' actual value;

**COUNT III**  
**THEFT BY A PUBLIC SERVANT**

The Grand Jury further presents that on or about and between January 1, 2004 and May 15, 2007, in Bastrop County, Texas, **RICHARD HERNANDEZ**, did then and there unlawfully appropriate property, to-wit: inmate labor, employee labor, metal, wire, fence, and other supplies, and the total value of property so obtained was \$1,500 or more but less than \$20,000, with the intent to deprive Bastrop County, the owner of the property, and without the effective consent of the owner, Bastrop County, by using inmates, supervised by county employees, to build and install doors for the barn at his residence, and **RICHARD HERNANDEZ** was then and there a public servant at the time of the offense, and the property appropriated came into the defendant's custody, possession, or control by virtue as of his status as a public servant;

**COUNT IV**  
**ABUSE OF OFFICIAL CAPACITY**

The Grand Jury further presents that on or about and between January 1, 2004, and May 15, 2007, in Bastrop County, Texas, **RICHARD HERNANDEZ**, did then and there, with intent to obtain a benefit, intentionally and knowingly misuse government property, services, personnel, or any other thing of value, to-wit: inmate labor, county employees, county equipment and materials, and county property, to build and install doors for the barn at his residence, said items belonging to the government which came into the defendant's custody or possession by virtue of the defendant's employment as a public servant, to-wit: Bastrop County Sheriff, and the value of the use of the thing or things misused was \$1,500 or more;

**COUNT V**  
**THEFT BY A PUBLIC SERVANT**

The Grand Jury further presents that on or about and between April 2, 2003, in Bastrop County, Texas, **RICHARD HERNANDEZ**, did then and there unlawfully appropriate property, to-wit: money, and the value of property so obtained was \$1,500 or more but less than \$20,000, with the intent to deprive Bastrop County, the owner of the property, and without the effective consent of the owner, Bastrop County, by taking \$2,000 from Jackie Lott in exchange for a barbecue pit owned by Bastrop County, which was built in whole or in part by county inmates with county materials on county property, and **RICHARD HERNANDEZ** was then and there a public servant at the time of the offense, and the property appropriated came into the defendant's custody, possession, or control by virtue as of his status as a public servant;

**COUNT VI**  
**THEFT BY A PUBLIC SERVANT**

The Grand Jury further presents that on or about and between January 1, 1997 and May 15, 2007, in Bastrop County, Texas, **RICHARD HERNANDEZ**, did then and there, pursuant to one scheme or continuing course of conduct, unlawfully appropriate property, to-wit: tools, motor fuel, propane, gloves, ice, tires and other assorted items, and the aggregate value of property so obtained was \$1,500 or more but less than \$20,000, with the intent to deprive Bastrop County, the owner of the property, and without the effective consent of the owner, Bastrop County, by having said items purchased on County accounts, or using County credit cards, or taking said items from the Bastrop County Sheriff's office, and **RICHARD HERNANDEZ** was then and there a public servant at the time of the offense, and the property appropriated came into the defendant's custody, possession, or control by virtue as of his status as a public servant,

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

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FOREMAN OF THE GRAND JURY