



35th Judicial District
of Texas

SKY SUDDERTH

*District Attorney
Brown and Mills County*

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JUN 27 2002

OPINION COMMITTEE

Brown County Courthouse
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Brownwood, Texas 76801
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June 24, 2002

Honorable John Cornyn, Attorney General of Texas
c/o Susan D. Gusky, Chair Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-42683-02

I.D. # 42683

RQ-0569-JC

Dear Attorney General Cornyn,

This letter constitutes a request for an attorney general opinion on an issue raised in my jurisdiction as 35th Judicial District Attorney.

Question: Where the sitting district attorney recuses from a civil forfeiture action, does the specially appointed prosecutor have the authority to modify the standing local agreement between the district attorney's office and a law enforcement agency governing the distribution of forfeited funds?

Supporting documentation for this request is as follows:

1. Letter from District Attorney Sky Sudderth to Brown County Sheriff Glen Smith dated June 12, 2002.
2. Local Agreement - between 35th Judicial District Attorney and Brown County Sheriff Glen Smith.
3. Motion for Recusal of District Attorney and for Appointment of Special Prosecutor
4. Order Appointing District Attorney Pro Tem
5. Partial Default Judgment of Forfeiture
6. Agreed Final Judgment of Forfeiture

Sincerely,

SKY SUDDERTH
35th Judicial District Attorney