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County paid lawyers thousands despite his debt

By KEVIN KRAUSE and ED TIMMS, Staff Writers

A local criminal defense lawyer earned tens of thousands of dollars in court appointments from Dallas County judges despite owing the county money for bail bonds he posted that were later forfeited when his clients failed to show up for court.

Richard Carrizales was paid \$91,657 in court appointments between the 2009 and 2011 fiscal years, even though he owed the county more than \$13,000 since 2005, according to county records.

County officials, however, never caught that.

County Auditor Virginia Porter acknowledged that the county has no way of regularly flagging such instances to ensure that those who owe money to the county do not receive payments from it.

The county has been aware of the problem for years. In 2004, spot checks by the auditor's office found that nine attorneys who owed unpaid bond forfeiture judgments received court-appointment fees from the county. The nine were not named in the audit.

Carrizales, a Dallas lawyer whose short-lived experience writing bonds ended badly, said the county never sent him a bill for what he owed. He said he had no idea he even owed the money until court papers demanding payment arrived in his office in May — one month after *The Dallas Morning News* asked sheriff's officials questions about his account.

Carrizales said he paid the amount by cashier's check within two days.

"I never got one bill from the county saying I owed money," said Carrizales, a DART board member.

The Carrizales case illustrates the problems Dallas County has had in trying to keep track of unpaid bond forfeiture judgments to collect what's owed — a problem first uncovered by *The News*, and one that many top county officials say they were unaware of. Lack of coordination among departments has compounded the problem.

The News recently reported that the county is owed \$35 million in unpaid bail bond forfeitures, most dating back decades.

The county has said attorneys are among those who owed money, but it cannot determine exactly which attorneys or bondsmen. County officials formed a task force last week to tackle the problem, but they say only about \$400,000 can now be collected.

Attorney bond account

Carrizales submitted an application to the county for an attorney bond account in November 2003 — his first foray into the bail bond business, records show.

Texas is one of the few states that allow attorneys to provide bail bonds for their clients.

Carrizales' application was accepted. On the same day, he posted a \$50,000 bond for Armando Rayo, now 35, of Dallas, for a felony drug charge, records show.

Three months later, Rayo missed his court date and the bond was forfeited, records show. Rayo wasn't rearrested until about four years later. As a result, a judge entered a final judgment against Carrizales in June 2004 for the full amount of the bond.

Carrizales apparently didn't pay the judgment, resulting in the sheriff cutting off his bond-writing privileges, according to policy. The sheriff then had to issue a writ of execution against him to collect a portion of it in 2005, withdrawing \$36,752 from an account used as collateral for his bonds, records show. The sheriff also withdrew more money to pay off different court judgments, records show.

But after that, Carrizales still owed the county \$13,369, records show. Carrizales said he thought his collateral was enough to cover his debts.

"They told me they would take it out of my bond account," he said.

He said he had written only a "handful" of bonds at that point (records show he had 46 active bonds in 2005) and had no intention of continuing his bond business after that experience.

It can be profitable for some, he said, "if you don't get popped with a big bond forfeiture."

Appointing attorneys

Carrizales said he began taking court appointments after some district judges told him they needed competent, Spanish-speaking lawyers to represent poor defendants. He said he does it to supplement his income.

Nothing prevents judges from appointing attorneys to cases when they owe the county money. It's up to the county to catch it and withhold their payments.

Carrizales said he asked a district clerk's supervisor earlier this year if he owed any money and was told that he didn't.

Although Carrizales paid the debt, he has five active bonds and no cash collateral in his account, said Scott Jones, the sheriff's lone bond investigator. Because of that, he cannot post another bond until he deposits more money, Jones said.

Porter, who is heading up the county's bond forfeiture task force, said she has no way to find out who owes judgments. If she did, state law would allow her to withhold payments to those such as Carrizales who owed the county money, she said.

Porter has done just that under similar circumstances.

In 2007, she and County Treasurer Joe Wells began an award-winning program to withhold payments to county vendors who owed property taxes. The ongoing program uses databases to flag vendors with unpaid taxes and has helped the county collect hundreds of thousands of dollars.

But Dallas County does not yet have a database indicating which attorneys and bail bondsmen owe the county bond forfeiture money. A case management system that county officials hope will fix the problem is expected to be completed by 2014.

Porter said that in the 2004 audit, her staff had to manually pull documents to learn that several bond attorneys were getting court appointments despite owing the county money.

It's unclear whether Carrizales was one of those nine attorneys. However, available county records do not indicate Carrizales owed the county money at that point.

"I don't have anything unless the clerks tell me," Porter said. "I'm not the collection person here."

kkrause@dallasnews.com;

etimms@dallasnews.com

TIMELINE

Nov. 6, 2003 — Richard Carrizales' bond account is established with the county, and he posts a \$50,000 attorney bond for Armando Rayo in a felony drug case.

Feb. 9, 2004 — Rayo misses his court date, and the bond is forfeited.

April 28, 2004 — A county audit notes that nine attorneys with final bond forfeiture judgments against them received money from the county for court appointments.

June 14, 2004 — A judge issues a final judgment against Carrizales in the Rayo bond forfeiture case.

Aug. 22, 2005 — The Sheriff's Department suspends Carrizales' bond-writing privileges for not paying the \$50,000 forfeiture.

Sept. 12, 2005 — The county issues a writ of execution against Carrizales in the Rayo case to collect the \$50,000.

Oct. 5, 2005 — The county withdraws \$36,752 from Carrizales' bond account to pay the execution.

2009 — Carrizales is paid \$27,495 by the county for court appointments.

2010 — Carrizales is paid \$52,462 by the county for court appointments.

2011 — Carrizales is paid \$11,700 by the county for court appointments.

May 19, 2011 — Carrizales pays the county more than \$13,300 to satisfy his remaining balance after receiving a notice from the county at his Dallas law office. His bond account is active but has no money, meaning he can't post another bond until he deposits more.

SOURCES: Sheriff's Department bond records; Dallas County vendor payments; Dallas County audits; Dallas County district clerk records