

THE STATE OF TEXAS § IN THE DISTRICT COURT

VS. §

ONE (1) RESIDENCE AND LOT, §  
 LOCATED AT **305 LONG POINT DRIVE,** §  
**PORTLAND, SAN PATRICIO COUNTY,** §  
 TEXAS, And Legally Described As Lot §  
 Five (5), Block Four (4), North Shore No. 2, §  
 An Addition To The City Of Portland, §  
 San Patricio County, Texas, according to §  
 the map or plat thereof recorded in Volume §  
 13, Pages 86-87 of the Map Records of San §  
 Patricio County, Texas; ONE (1) RESIDENCE §  
 AND LOT, LOCATED AT **105 SECOND** §  
**STREET, GREGORY, SAN PATRICIO** §  
 COUNTY, TEXAS, And Legally Described §  
 As Lot Fifteen (15), Block Two (2), COLONIA §  
 MEXICANA ADDITION, an addition to the §  
 City of Gregory, San Patricio County, Texas, §  
 according to the map or plat thereof recorded §  
 in Volume 3, Page 6 of the Map Records of §  
 San Patricio County, Texas; ONE (1) §  
 RESIDENCE AND LOT, LOCATED §  
 AT **207 AVENUE B, GREGORY,** §  
 SAN PATRICIO COUNTY, TEXAS, §  
 And Legally Described As Lot Three (3), §  
 Block Four (4), CAGE ADDITION, an §  
 addition to the City of Gregory, San Patricio §  
 County, Texas, according to the map or plat §  
 thereof recorded in Volume 4, Page 34 of the §  
 Map Records of San Patricio County, Texas; §  
 ONE (1) LOT, LOCATED AT **107 SECOND** §  
**STREET, GREGORY, SAN PATRICIO** §  
 COUNTY, TEXAS, And Legally Described §  
 As Lot Fourteen (14), Block Two (2) COLONIA §  
 MEXICANA ADDITION, an addition to the §

San Patricio County - 343rd District Court

SAN PATRICIO COUNTY, TEXAS

City of Gregory, San Patricio County, Texas, §  
 according to the map or plat thereof recorded in §  
 Volume 3, Page 6 of the Map Records of San §  
 Patricio County, Texas; TWO (2) LOTS, §  
 LOCATED AT 508 THIRD STREET, §  
**GREGORY, SAN PATRICIO COUNTY,** §  
 TEXAS, And Legally Described As Lots §  
 Fifteen (15) and Sixteen (16), Block Seven (7), §  
 COLONIA MEXICANA ADDITION, an §  
 addition to the City of Gregory, San Patricio §  
 County, Texas, according to the map or plat §  
 thereof recorded in Volume 3, Page 7A of §  
 the Map Records of San Patricio County, Texas; §  
 ONE (1) 2014 MERCEDES-BENZ E350, §  
 VIN # WDDHF5KB8EB060381; ONE (1) §  
**2015 CHEVROLET SUBURBAN,** §  
 VIN #1GNSCKKC1FR236249; TWELVE §  
 THOUSAND FIVE HUNDRED §  
 EIGHTY-SEVEN AND 99/100 DOLLARS §  
 (\$12,587.99) IN UNITED STATES §  
 CURRENCY; AND NUMEROUS §  
 ITEMS OF PERSONAL PROPERTY § \_\_\_\_\_ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND NOTICE  
OF SEIZURE AND INTENDED FORFEITURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the State of Texas as Plaintiff herein, by and through the 36th Judicial District Attorney of Texas, and files this Original Petition and Notice of Seizure and Intended Forfeiture of ONE (1) RESIDENCE AND LOT, LOCATED AT 305 LONG POINT DRIVE, **PORTLAND, SAN PATRICIO COUNTY, TEXAS,** And Legally Described As Lot Five (5), Block Four (4), North Shore No. 2, An Addition To The City Of Portland, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 13, Pages 86-87 of the Map Records of San Patricio County, Texas; ONE (1) RESIDENCE AND LOT, LOCATED AT 105 **SECOND STREET, GREGORY, SAN PATRICIO COUNTY, TEXAS,** And Legally Described As Lot Fifteen (15), Block Two (2), COLONIA MEXICANA ADDITION, an addition to the City of Gregory, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 3, Page 6 of the Map Records of San Patricio County, Texas; ONE (1) RESIDENCE AND LOT, LOCATED AT **207 AVENUE B, GREGORY, SAN PATRICIO**

COUNTY, TEXAS, And Legally Described As Lot Three (3), Block Four (4), CAGE ADDITION, an addition to the City of Gregory, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 4, Page 34 of the Map Records of San Patricio County, Texas; ONE (1) LOT, LOCATED AT 107 SECOND STREET, GREGORY, SAN PATRICIO COUNTY, TEXAS, And Legally Described As Lot Fourteen (14), Block Two (2) COLONIA MEXICANA ADDITION, an addition to the City of Gregory, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 3, Page 6 of the Map Records of San Patricio County, Texas; TWO (2) LOTS, LOCATED AT 508 THIRD STREET, GREGORY, SAN PATRICIO COUNTY, TEXAS, And Legally Described As Lots Fifteen (15) and Sixteen (16), Block Seven (7), COLONIA MEXICANA ADDITION, an addition to the City of Gregory, San Patricio County, Texas, according to the map or plat thereof recorded in Volume 3, Page 7A of the Map Records of San Patricio County, Texas; ONE (1) 2014 MERCEDES-BENZ E350, VIN # WDDHF5KB8EB060381; ONE (1) 2015 CHEVROLET SUBURBAN, VIN #1GNSCKKC1FR236249; TWELVE THOUSAND FIVE HUNDRED EIGHTY-SEVEN AND 99/100 DOLLARS (\$12,587.99) IN UNITED STATES CURRENCY; AND NUMEROUS ITEMS OF PERSONAL PROPERTY (more specifically described in the attached Schedule "A") and hereinafter referred to herein as " ONE (1) RESIDENCE AND LOT, LOCATED AT 305 LONG POINT DRIVE, PORTLAND, SAN PATRICIO COUNTY, TEXAS, et.al.", and in support of such relief would show the following:

I.

This suit is brought in accordance with Chapter 59 of the Texas Code of Criminal Procedure. Plaintiff designates its intention to conduct discovery in this suit under Level 2, as required under Rule 190.1, Texas Rules of Civil Procedure.

II.

Plaintiff complains of GABRIEL CLAUDIO, JR., who may be served with process at 305 Long Point Drive, Portland, Texas 78374; BRIANNA BASALDU CLAUDIO, who may be served with process at 305 Long Point Drive, Portland, Texas 78374; and NAVY ARMY CCU, who may be served with process at P.O. Box 81349, Corpus Christi, Texas 78468, by certified mail, return receipt requested.

III.

Plaintiff asserts that the " ONE (1) RESIDENCE AND LOT, LOCATED AT 305 LONG POINT DRIVE, PORTLAND, SAN PATRICIO COUNTY, TEXAS, et.al, is contraband and is subject to seizure and forfeiture as provided by Chapter 59 of the Texas Code of Criminal Procedure.

IV.

Plaintiff asserts that the seizure of the contraband occurred on the 13th and 19th days of APRIL, 2017 in SAN PATRICIO COUNTY, TEXAS.

V.

Plaintiff alleges that the seizure of the contraband was made pursuant to multiple seizure warrants issued by one or more District Judges.

VI.

Plaintiff alleges that on the 13th and 19th days of April, 2017, the above seized property being contraband became subject to forfeiture in that the property seized herein are the proceeds acquired from one or more felony thefts and/or acts of money laundering; and/or was purchased in whole or in part with the proceeds from one or more felony thefts and/or acts of money laundering; and/or were used or intended to be used to facilitate the commission of one or more felony thefts and/or acts of money laundering; and/or the property seized herein was remodeled, improved, or maintained with the proceeds acquired from one or more felony thefts and/or acts of money laundering; and/or constitutes substitute property under Chapter 59.021, Texas Code of Criminal Procedure.

VII.

Plaintiff, acting in compliance with Article, 59.03(c) and 59.04 (b), attaches the sworn statement of the seizing officer, and incorporates it by reference herein as if fully reproduced herein.

VIII.

Plaintiff would state that the seized contraband, to-wit: **" ONE (1) RESIDENCE AND LOT, LOCATED AT 305 LONG POINT DRIVE, PORTLAND, SAN PATRICIO COUNTY, TEXAS, et.al,** is more fully described in the seizing officer's sworn statement which is attached hereto and incorporated herein by reference as if fully reproduced.

IX.

Plaintiff alleges that a records inquiry of the State Department of Highways and Public Transportation reveals that Gabriel Claudio, Jr. and Brianna Basaldu Claudio are the registered owners of the 2015 Chevrolet Suburban, VIN# 1GNSCKKC1FR236249, and that there is no lien; that Gabriel Claudio, Jr., is the registered owner of the 2014 Mercedes-Benz, VIN #WDDHF5KB8EB060381 and that there is a lien on the 2014 Mercedes-Benz, VIN #WDDHF5KB8EB060381 held by NAVY ARMY CCU.

X.

Plaintiff alleges that as to all of the real properties, the subject of this suit, a search of the deed records of San Patricio County, Texas reveals that there are no recorded liens on said properties.

Plaintiff pursuant to Article 59.04(g) has, or will, file a Notice of Lis Pendens upon all real properties described in this suit.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this petition be considered an Original Petition and Notice of Seizure and Intended Forfeiture and that citation issue to those parties as set out in this petition; that upon hearing this Court finds that the " **ONE (1) RESIDENCE AND LOT, LOCATED AT 305 LONG POINT DRIVE, PORTLAND, SAN PATRICIO COUNTY, TEXAS, et.al**, is contraband as defined in the Texas Code of Criminal Procedure, Article 59.01(2).

Plaintiff further prays that the Court allow forfeiture of the above described property, pursuant to Article 59.05(c), to the State of Texas, by and through the office of the 36th Judicial District Attorney of Texas. The forfeiture of said property is subject only to any interest of a bona fide holder of a perfected lien or perfected security interest and thereafter, the property is to be disposed of pursuant to Article 59.06 of the Texas Code of Criminal Procedure.

Plaintiff prays that all costs be taxed against Respondents in this cause and for such other relief at law and in equity as the Plaintiff shall be entitled to receive.

Respectfully submitted,



Samuel B. Smlth, Jr.  
36<sup>th</sup> Judicial District Attorney  
P. O. Box 1393  
Sinton, Texas 78387  
State Bar No. 18682570  
(361) 364-9390  
samuel.smlth@co.san-patricio.tx.us

EXHIBIT "A"

THE STATE OF TEXAS

COUNTY OF SAN PATRICIO

AFFIDAVIT OF SEIZING OFFICER

Came unto me this day, Andy Lopez, a person known to me and upon oath swears as follows:

"My name is Andy Lopez. I am over 18 years of age. I have personal knowledge of the facts asserted below and am competent to testify to those facts."

Affiant is a commissioned Peace Officer with the Texas Commission on Law Enforcement in The State of Texas and holds a Master Peace Officer's License with 2957 hours of training. Affiant has been a Peace Officer in the State of Texas since 1981 to present date. Affiant's Law Enforcement career began at the Houston Police Department, where Affiant was a Police Officer on patrol duty for one year five months. Affiant continued his Law Enforcement career with the Texas Department of Public Safety for twenty seven years holding the positions of; Trooper in the Highway Patrol Service for nine years; Sergeant/Investigator in the Narcotics Service for five years and Sergeant/Texas Ranger in the Texas Rangers Service for thirteen years. Affiant furthered his Law Enforcement career with the Refugio Police Department as the Chief of Police for six years. Affiant is currently employed with the San Patricio County 36<sup>th</sup> Judicial District Attorney's Office and holds the position of Investigator. Affiant has received extensive training in the field of investigations to include but not limited to Advanced Criminal Investigations. Affiant has conducted numerous investigations which pertain to the Texas Penal Code offenses, to include, but not limited to the offenses of Theft and Misapplication of Fiduciary Funds. Affiant is familiar with the fact that when persons participate in the aforementioned offenses that persons will often use different types of schemes to disguise the actual act. In the outlined details of this affidavit, the probable cause facts have been uncovered through an investigation conducted by the Texas Rangers and the Texas State Securities Board (hereinafter "TSSB"), which in turn were relayed to Affiant.

The investigation conducted by the Texas Rangers and TSSB revealed the following facts:

Gabriel Claudio, Jr., (hereinafter referred to herein as " Claudio"), is licensed through the Texas Department of Insurance and is doing business as "Claudio Financial Services" as a self proclaimed Investment Advisor, who, according to his website, "specializes in retirement planning and consulting"; and assists his clients with "asset allocation, investments, and many financial services in between".

In approximately 2005, Wallace W. Canales and his wife Maria Carmelita Canales (hereinafter "Victims"), decided they needed more security in their investments for retirement and obtained the services of "Claudio" through his business Claudio and Bergin, which sometime thereafter became Claudio Financial Services. "Claudio" sold index annuities to Victims from two (2) insurance companies, Allianz Life Insurance Company of North America (hereafter "Allianz"), and American Equity Life Insurance Company (hereafter "American Equity"). During the first five (5) years, approximately, the Victims, when purchasing an annuity, made their checks payable directly to the Insurance Company providing the annuity, either Allianz or American Equity. Then, sometime in 2010, "Claudio" advised Victims that Allianz and American Equity would no longer accept personal checks, that Allianz and American Equity would only accept checks from their agents, which in this case was Claudio Financial Services. Thereafter, Victims made all checks payable to Claudio Financial Services when purchasing annuities, rather than making them payable directly to the Insurance Company providing the annuity. "Claudio" would periodically hand deliver to Victims a spreadsheet summary report of all of Victims' accounts which provided, among other information, the contract numbers of each account, the accumulated value of each account, bonus percentages received and earnings.

On **June 22, 2016**, "Claudio" went to the office of Victims in order to pick up a check from Victims which Victims wanted invested by "Claudio" in specified annuities as outlined in the previous paragraph. At that time Victim, Marla Carmelita Canales, informed "Claudio" that she wished to change the beneficiary on one of her Allianz accounts from her husband to her sister. "Claudio" stated to Victim Marla Carmelita Canales that she would receive a letter confirming the change in beneficiary. By **July 18, 2016**, Victim Maria Carmelita Canales, had not received a letter confirming the change in beneficiary, so Victim Maria Carmelita Canales telephoned Allianz and spoke with a representative regarding her account. At that time the Allianz representative informed Victim Maria Carmelita Canales, that the amount of funds invested in her account were approximately \$106,000.00, which was considerably lower than the figures depicted in the spreadsheet summary dated 2-17-2016 of \$620,940.89 which was provided to Victims by "Claudio". Victim Maria Carmelita Canales then telephoned "Claudio" and asked "Claudio" about the discrepancies in the amount of her investments. "Claudio" advised Victim Maria Carmelita Canales that he had trouble with Allianz in that regard on prior occasions and that he would call Victim Maria Carmelita.

Canales back after checking on the matter. Victims did not receive a call back from "Claudio" and became very concerned. At that point Victims attempted to contact "Claudio" approximately six (6) times over the next 3 days leaving a message each time requesting that "Claudio" contact them, but "Claudio" failed to return any of the Victims messages. Victims then requested from the secretary of "Claudio" that the secretary fax to Victims a copy of the Victims' account statements (which were prepared by the insurance companies, Allianz and American Equity), which the secretary did. After reviewing their account statements faxed to them by the secretary of "Claudio", the Victims discovered that the faxed account statements did not match the spreadsheet summaries provided to Victims by "Claudio". The spreadsheet summaries prepared by "Claudio" correctly listed all of the funds provided to him by the Victims; however, the faxed account statements which were prepared by the Insurance Companies where the funds were to have been invested listed a much smaller amount of funds invested by Victims than what the Victims had actually provided to "Claudio".

The Victims, seeking an explanation for the discrepancies between the account statements prepared by "Claudio" and those prepared by Allianz and American Equity, scheduled an appointment to meet with "Claudio" at his office in Corpus Christi, Texas on **July 25, 2016**. The Victims arrived at the office of "Claudio" for the scheduled meeting on July 25, 2016, but "Claudio" failed to arrive. Then, on or about **August 8, 2016** the Victims received a text message from "Claudio" stating that he understood that they, the Victims, were trying to reach him. By text message "Claudio" agreed to meet with the Victims at the Victims' office in Alice, Texas on **August 10, 2016**. "Claudio" arrived at the office of the Victims on August 10, 2016 as scheduled. When asked by the Victims about the discrepancies between "Claudio's" spreadsheet summaries and the account statements prepared by Allianz and American Equity, "Claudio" admitted that he, "Claudio", had not forwarded the Victims funds to Allianz and American Equity as directed by the Victims, that the funds of approximately 2.5 million dollars were never applied to the Victims' contracts. "Claudio" further admitted to the Victims that he had "squandered" the Victims' money and had been doing so since about the time of his divorce 6 years prior. "Claudio" also admitted to the Victims that he, "Claudio", had used the Victims money for "Claudio's" business and personal use and that the spreadsheet summaries he had provided to the Victims were "bogus" and were an attempt to cover up "Claudio's" misappropriation of the Victims' money.

Between **November 19, 2010** and **June 22, 2016**, Victims wrote **19 checks** totaling **\$2,393,567.50** payable to Claudio Financial Services for the purchase of annuities. The Victims delivered the 19 checks to "Claudio", and "Claudio" deposited the Victims' 19 checks into "Claudio's" business bank account for Claudio Financial Services. After reviewing the business and personal bank account records of "Claudio", the Texas Rangers and TSSB did not locate any payments by "Claudio" to Allianz,



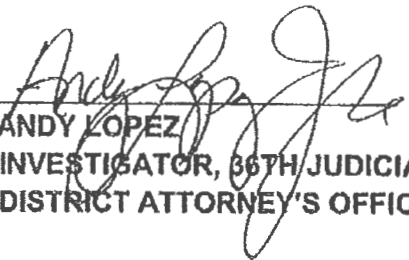
American Equity or any other Insurance Company after May 7, 2010 in which "Claudio" invested funds on behalf of Victims. None of the 19 payments by the Victims between November 19, 2010 and June 22, 2016 to Claudio Financial Services were used to purchase annuities, even though the Victims specifically directed "Claudio" to purchase annuities with those funds. Instead, after depositing the Victims' payments into the business bank account of Claudio Financial Services, "Claudio" transferred the majority of victims' money out of "Claudio's" business account under Claudio Financial Services and into "Claudio's" personal checking account at Frost Bank, and made cash withdrawals of the remainder of Victims' money from the Claudio Financial Services account; and thereafter "Claudio", over a period of approximately 6 years, used all of the Victims' funds totaling \$2,393,567.50 for the personal use of "Claudio".

The investigation conducted by the Texas Rangers and TSSB further revealed that the personal use by "Claudio" of the Victims' stolen investment funds included, but is not limited to, the following payments/purchases, either in whole or in part, by "Claudio": repairs and/or property taxes paid on the real property located at (1) 105 Second St., Gregory, Texas, (2) 107 Second St., Gregory, Texas, (3) 207 Avenue B, Gregory, Texas, (4) 508 Third St., Gregory, Texas, and (5) 305 Long Point Dr., Portland, Texas; \$39,000.00 used to pay off the balance owed on the home located at 305 Long Point Dr., Portland, Texas; the purchase in whole or in part of a 2013 Mercedes-Benz automobile; the purchase in whole or in part of the 2014 Mercedes-Benz automobile; the purchase in whole or in part of the 2015 Chevrolet Suburban automobile; private school tuition and education expenses for one or more children of "Claudio" (\$156,655.12); gambling expenses in Las Vegas (\$300,000); hotel, travel & entertainment (\$141,491.60); restaurants, drinks & groceries (\$162,267.87); child support (\$193,000); payments to Brianna Claudio (\$245,703.34); cash withdrawals (\$656,394.05); credit card payments (\$47,166.57); flowers (\$17,342.00); country club & golf expenses (\$11,694.11); men's clubs expenses (\$10,572.62); veterinary & pet expenses (\$31,636.66); utilities (\$151,646.79); jewelry stores (\$186,750.78); and home expenses (\$169,211.19).

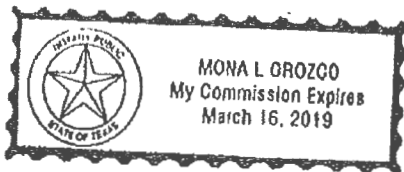
I request the forfeiture of contraband which is more particularly described in Schedule "A" attached hereto and made a part hereof for all purposes by reference: said property being found on the **13TH and 19TH days of APRIL, 2017**, in the possession of **GABRIEL CLAUDIO, JR. AND BRIANNA BASALDU CLAUDIO**.

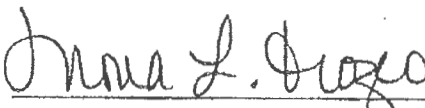
I contend that said items are contraband because they were (1) used and/or intended to be used in the commission of one or more felony thefts under Chapter 31, Texas Penal Code and/or (2) was used or intended to be used in the commission of one or more felony offenses under Chapter 34, Texas Penal Code, and/or (3) are proceeds gained from the commission of a felony under the aforementioned chapters and/or (4) instrumentalities used in the commission of the aforementioned chapters, and/or (5)

constitutes "Contraband" as Substitute Property as it is defined under Chapter 59.021 of the Texas Code of Criminal Procedure. I seized this property pursuant to Chapter 59 of the Texas Code of Criminal Procedure on April 13th and 19th, 2017.

  
ANDY LOPEZ  
INVESTIGATOR, 36TH JUDICIAL  
DISTRICT ATTORNEY'S OFFICE

SUBSCRIBED AND SWORN to before me on this 2<sup>nd</sup> day of May, 2017.



  
Notary Public, State of Texas