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Cause Number 2025-PH-001

IN RE:	)	IN THE MUNICIPAL COURT
	)	
	)	
	)	THE CITY OF PLANO
	)	
	)	
\$4,437.39 CASH	)	COLLIN COUNTY, TEXAS

MAGISTRATE'S ORDER

On May 30, 2025, came on to be heard the motion of Gail Leyko, Senior Police Legal Advisor of the Plano Police Department, filed with this Court on January 7, 2025 to determine the disposition of \$4,437.39 CASH, hereinafer referred to as the "Property."

Having read the pleadings and papers filed in this matter, reviewed the evidence presented, and heard the testimony of all the witnesses, the Court finds as follows:

- a. The Plano Police Department took possession of the Property on August 2, 2024;
- b. The Plano Police Department has no claim to a right of possession of the Property;
- c. There are currently no criminal actions pending relating to the Property;
- d. All notices required by statute have been made;
- e. The Court has the authority under Article 47.01 Texas Code of Criminal Procedure to determine who has the superior right to possession of the Property; and
- f. Witness(es) Plano PD Detective Jerry Minton and witnesses Sommer Ludwig, Katie Patel, Phillip Morgan, Jenna Isensee, Laura Cervantes appeared solely through counsel Scott Palmer, Maria Louisa King, and Krisinda Lingenfelter appeared in person and through counsel Scott Palmer, but only Maria Louisa King submitted testimony. Carole Jennings, although duly cited, failed to appear but contacted Ms. Leyko earlier on the date of this proceeding and advised that she may not appear. Eleven (11) Exhibits were offered and admitted by the parties and identified as Exhibits 1, 2, 3, 4, 5 6, 8, 9, 10, 11, and 12. The designation "Exhibit 7" was inadvertently overlooked by the parties.

The purpose of this hearing was solely to determine who has the superior right to possession of the property which is the subject of this hearing pursuant to the authority granted under Article 47.01, Texas Code of Criminal Procedure. It was not the purpose of this proceeding to determine the proper legal entity to act in the capacity as the Jasper High School Student Choir Booster Club, nor is this the appropriate venue to make such determination.

Upon review of the testimony and documentary evidence provided by witnesses, Detective Jerry Minton, Katie Patel, Phillip Morgan, Jenna Isensee, and Maria Louisa King, the Court is of the opinion that the superior right to possession of the Property which is the subject of this proceeding should be awarded as follows: \$4,437.39 CASH be awarded to the Plano Independent School District by and through Superintendent, Dr. Theresa Williams in her capacity as Superintendent directly or through her duly appointed designee to be held in trust by the Plano Independent School District solely for the use, benefit, and enjoyment of the Jasper High School Student Choir. Nothing in this ruling is intended to, nor should it be interpreted to be, an opinion or determination as to the proper legal entity to act in the capacity of the Jasper High School

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Student Choir Booster Club. For the foregoing reason, the Property, which is the subject of this proceeding, was specifically not awarded to either group currently claiming to be the rightful Jasper High School Student Choir Booster Club.

IT IS HEREBY ORDERED that the Plano Police Department shall deliver the Property, which is the subject of the Motion filed with this Court on January 14, 2025, as follows: \$4,437.39 CASH to the Plano Independent School District by and through Superintendent, Dr. Theresa Williams in her capacity as Superintendent directly or through her duly appointed designee to be held in trust by the Plano Independent School District solely for the use, benefit, and enjoyment of the Jasper High School Student Choir.

IT IS FURTHER ORDERED AND DECREED, that, within thirty (30) days from the date of this Order, the Plano Police Department shall deliver the property as follows: \$4,437.39 CASH to the Plano Independent School District by and through Superintendent, Dr. Theresa Williams in her capacity as Superintendent directly or through her duly appointed designee to be held in trust by the Plano Independent School District solely for the use, benefit, and enjoyment of the Jasper High School Student Choir.

Signed and entered on June 2, 2025.



A handwritten signature in blue ink, which appears to read "Paul McNulty", is written over a horizontal line.

Magistrate, Collin County, Texas
Plano Municipal Judge
Paul Francis McNulty