

**Bandera sheriff ousted over abuse of office**

**Plea deal lets him avoid jail for personal use of county boat.**

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BANDERA — Bandera County Sheriff Weldon Tucker avoided jail but must surrender his peace officer license under a sentencing agreement that saw him plead guilty Thursday to a felony charge of abuse of official capacity for misusing the county's rescue boat.

He also was required to resign as sheriff and to pay a \$1,000 fine and \$1,500 restitution under the pact, negotiated with Assistant Attorney General David Glickler and approved by state District Judge Steve Ables.

Tucker received two years of deferred adjudication, meaning no conviction will result if he completes the term of probation. He declined to comment after the hearing.

Chief Deputy Richard Smith is slated to become interim sheriff today pending the appointment of a new sheriff by county commissioners.

Tucker's ouster was cheered by his critics, but left some coworkers at the justice center subdued.

"I think highly of Weldon," said David Redman, the maintenance head. "I'd have voted for him again."

Tucker had fostered professionalism in the department he took over in 2006, Deputy Tom Cuellar said. "I'm sorry to see him go. He did a lot for us," he said.

Others saw Tucker as a county embarrassment. "The sheriff being put out of office is the best thing that's happened to taxpayers in this county in the last five years," said County Commissioner Bobby Harris, one of a handful of spectators in court.

The case arose from two trips to Choke Canyon Reservoir with the motorboat that San Antonio bail bondsman Albert Saenz donated to the county in 2007, and Tucker's storage of the boat at his house.

In 2009, Tucker publicly denied using the boat recreationally, or outside Bandera County. But a game warden had stopped him as he used it to retrieve trot lines at Choke Canyon after his personal boat broke down.

He later confirmed that outing, and one in 2008 in which he said deputies trained piloting the boat at a department picnic at Choke Canyon.

"I don't know if we'd be here today if he'd been honest since day one," Glickler said after the hearing. He said investigators heard "stories and rumors," but had no proof, about other recreational outings in the boat.

Tucker faced up to two years in prison if convicted of the state jail felony.

The deal took shape in April just before his initial trial date, when Ables reduced the charge to a misdemeanor at Glickler's request.

The felony charge was reinstated Thursday based on Tucker's request for deferred adjudication, Glickler said, noting, "The only way I'd give him deferred was under a felony."

Misuse of the boat was among allegations of wrongdoing by Tucker and his staff raised by former deputy Scott Sharp in a whistleblower and wrongful termination lawsuit in federal court that was recently the subject of a confidential settlement.

Ables said Tucker's plea means no one else will be charged in connection with the boat.



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