

CAUSE NO. _____

THE STATE OF TEXAS § IN THE DISTRICT COURT /
V. § COUNTY COURT AT LAW /
§ MAGISTRATE COURT OF
§
D.O.B. § WEBB COUNTY, TEXAS

**AFFIDAVIT OF SURETY FOR WARRANT OR CAPIAS
PURSUANT TO ARTICLE 17.19 OF THE CODE OF CRIMINAL PROCEDURE**

State of Texas §
County of Webb §

Before me, the undersigned authority, on this day personally appeared, who being by me duly sworn, deposes and says on this oath that the following information is true and correct:

“My name is _____. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

“I am licensed to post bonds by the Webb County Bail Bond Board as: (check one)

- An individual, DBA: _____;
- An agent, _____ for a licensed insurance company: _____;
- An attorney who posted a surety bond for a defendant I represent in the above-referenced case.

“On or about _____, 20____, in that capacity, I posted a bond in the amount of \$_____ under bond number _____ to secure the release from custody of Defendant, _____ for the offense(s) _____ on booking number _____ for which Defendant has paid \$_____ out of total quoted fees of \$_____. This bond is not the subject of a forfeiture, and no forfeiture proceeding is pending at this time.

“I now wish to surrender Defendant for the following reasons: (check all that apply/include additional information)

- court ordered bond violations: _____
- contract violations (submit copy of contract): _____
- other reason: _____

“I have attempted to contact the Defendant on numerous occasions, as follows:

DATE & TIME	METHOD
_____	_____
_____	_____

“I have been informed, and I have verified, the following: (check one)

Defendant does not have an attorney of record therefore I delivered a copy of this Affidavit to Defendant’s last known address at _____.

Defendant’s attorney is _____. The attorney’s phone number is _____. On _____, 20____, I delivered a copy of this Affidavit to the attorney by the following method authorized by Rule 21a of the Texas Rules of Civil Procedure, as required by Article 17.19: _____.

“Surety delivered a copy of this Affidavit to the District Attorney’s Office by the following method authorized by Rule 21a of the Texas Rules of Civil Procedure:
_____.

“Surety cannot continue to guarantee Defendant’s appearance before this honorable court under these circumstances and wishes to be released of liability. Surety requests a capias/warrant be issued for the arrest of the defendant according to Article 17.19 of the Code of Criminal Procedure.

“Surety understands that if this request is granted and surrender is subsequently contested pursuant to Texas Occupation Code §1704.207 and found to be made without reasonable cause, the Court may require the surety to refund all or part of the fees paid by the Defendant for the execution of the bond.

“Surety understands that if this request is granted and the principal is not found or fails to appear for court, then surety shall remain liable on the bond.

“As such, applicant prays that a capias/warrant for Defendant’s arrest issue pursuant to Article 17.19 of the Code of Criminal Procedure in the above-entitled and numbered cause.”

Surety/Affiant

SWORN TO AND SUBSCRIBED before me on _____, 20____.

Notary Public, State of Texas

Commission Expires: _____

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COURT’S ORDER SETTING §17.19 HEARING

The Affidavit of Surety for Discharge of Liability is hereby set for a hearing on _____, 20____, at _____ am/pm, at the _____ Court, located in the Justice Center.

Notice of hearing is hereby issued to Surety, Defendant, or Defendant’s attorney, if any.

Judge/Court Coordinator

COURT’S FINDINGS AND ORDER

On this day came on to be considered the Affidavit of Surety for Discharge of Liability and request for capias/warrant to issue on the above-named defendant pursuant to Article 17.19 of the Code of Criminal Procedure in the above-entitled and numbered cause.

After careful review and consideration of all the evidence before the Court:

The Court finds cause to GRANT Surety’s request and issue the capias/warrant as requested, and the Clerk of the Court is ORDERED to issue a capias/warrant for Defendant’s arrest and deliver said capias/warrant to the Sheriff of Webb County, Texas. New bail is hereby set at \$_____.

The Court GRANTS Surety’s request but finds that the surrender is without reasonable cause and ORDERS Surety to refund to Defendant all or part of the money paid for the execution of the bond in the amount of \$_____. Surety must refund this amount within seven days of the signing of this Order and provide proof thereof to the Court or show cause why the money has not been refunded. New bail is hereby set at \$_____.

The Court did not find cause to issue the warrant or capias as requested, and said Motion is DENIED.

SIGNED AND ENTERED on _____, 20_____.

Presiding Judge