

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 DISCHARGE OF LIABILITY
PURSUANT TO ARTICLE 17.16 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 a fee of \$_____ out of a total fee of \$_____. This bond is not the subject of a forfeiture, and no forfeiture proceeding is pending at this time.

“I have been informed, and I have verified, the following: (must check all to qualify)

- Defendant is in custody on a charge other than a charge related to the booking number listed above;
- Defendant is not in custody on a charge from the same criminal episode related to the booking above;
- Defendant is not in custody under the same booking number for which the bond was written;
- Defendant is not in federal custody to determine whether he/she is lawfully in the United States;

Defendant is presently incarcerated at the following location (include location and contact information, and booking number if at Webb County Jail): _____
_____.

“I am submitting this affidavit to the Webb County Sheriff’s Office pursuant to Article 17.16 of the Code of Criminal Procedure, and requesting that the Sheriff verify the foregoing information regarding the Defendant’s incarceration so that I may be relieved of liability as surety on the Defendant’s bond in the above-entitled and numbered cause.

“Once the incarceration of the Defendant is verified by the Webb County Sheriff’s Office, I will deliver the verified affidavit to the Judge of the court to which this case has been assigned so that a capias may be ordered, and deliver the affidavit and order to the clerk of the court so that the capias may be issued and the documentation filed in the court record.”

Surety

SWORN TO AND SUBSCRIBED before me on this _____ day of _____,
20_____.

Notary Public, State of Texas
Commission Expires: _____

WEBB COUNTY SHERIFF'S VERIFICATION OF INCARCERATION

The undersigned Deputy Sheriff of Webb County, Texas, hereby verifies that as of _____ am/pm, on _____, 20___, the defendant in the above-referenced cause is in the custody of the following jurisdiction: _____, for the offense(s) of (please indicate specific offense if federal violation) _____

_____ under cause/booking number _____ at the following facility: _____

For inmates in federal custody: The defendant has the following identification number (please include number type/prefix): _____

I further hereby affirm that defendant is not in federal custody to determine whether he or she is lawfully present in the United States.

Martin Cuellar, Webb County Sheriff

By: _____

Printed Name: _____

Badge No.: _____

Deputy Sheriff, Webb County Sheriff's Office

CERTIFICATE OF COMPLIANCE WITH NOTICE REQUIREMENT

I hereby certify that on _____, 20___, I delivered a copy of this verified Affidavit and Order to the prosecutor of the court to which this case is assigned at the Webb County District Attorney's Office, 1110 Victoria Street, Suite 401, Laredo, Texas 78040, (956) 523-5070 (fax). I further certify that I have delivered a copy of this affidavit to _____, attorney for Defendant, at the following location/address by the means indicated: _____

Surety or Agent of Surety
Webb County, Texas

CAUSE NO. _____

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

ORDER GRANTING DISCHARGE

On this day, the Court reviewed the foregoing Affidavit of Surety for Discharge of Liability Pursuant to Article 17.16 of the Code of Criminal Procedure and the attached Webb County Sheriff’s Office Verification of Incarceration. Pursuant to the provisions of Article 17.16, the Clerk of the Court is ordered to prepare and issue a capias for the Defendant’s arrest. Bail is hereby set at \$_____.

Signed on the _____ day of _____, 20_____.

Presiding Judge

ORDER DENYING DISCHARGE

On this day, the Court reviewed the foregoing Affidavit of Surety for Discharge of Liability Pursuant to Article 17.16 of the Code of Criminal Procedure and the attached Webb County Sheriff’s Office Verification of Incarceration. The Court is of the opinion that Surety’s affidavit does not qualify for discharge under Article 17.16. The Sheriff’s Office is hereby ordered to remove the detainer placed upon Defendant following verification of incarceration and to release Defendant if no other charge or detainer holds him or her.

Signed on the _____ day of _____, 20_____.

Presiding Judge