

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

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§  
§

IN THE DISTRICT COURT /  
COUNTY COURT AT LAW /  
MAGISTRATE COURT OF

v.

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) of \_\_\_\_\_ on booking number \_\_\_\_\_ for which Defendant paid a 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 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): \_\_\_\_\_.

“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 of \_\_\_\_\_ under cause/booking number \_\_\_\_\_, and is not in federal custody to determine whether he/she is lawfully present in the United States.

Martin Cuellar,  
Webb County Sheriff  
By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Employee 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 49<sup>th</sup> Judicial District Attorney’s Office, 1110 Victoria Street, Suite 401, Laredo, Texas 78040, (956) 523-5054 (fax).

\_\_\_\_\_  
Surety or Agent of Surety  
Webb County, Texas

**ORDER FOR ISSUANCE OF CAPIAS**

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 arrest of the Defendant. Bail is hereby set at \$ \_\_\_\_\_.

SIGNED AND ENTERED on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Presiding Judge