

Cause No. _____

State of Texas	§	In the _____ Judicial District Court
	§	
v.	§	In the County Court at Law No. _____
	§	
_____	§	Travis County, Texas
Defendant	§	

**AFFIDAVIT OF SURETY FOR DISCHARGE OF LIABILITY
PURSUANT TO ARTICLE 17.16 OF THE CODE OF CRIMINAL PROCEDURE**

State of Texas §
County of Travis §

Before me, the undersigned notary public, on this day personally appeared _____, known to me to be the person whose name is subscribed hereto, and upon his/her oath stated 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:

- An individual licensed to post bonds by the Travis County Bail Bond Board (dba _____);
- An agent for an insurance company licensed to post bonds by the Travis County Bail Bond Board (Insurance company: _____; agent’s dba _____);
- 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 \$_____ to secure the release from custody of Defendant, _____.

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, that the Defendant is not in federal custody to determine whether he/she is lawfully present in the United States, and is presently incarcerated at the following location (include location and contact information):

I am submitting this affidavit to the Travis 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 Travis 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 _____, 20____.

Notary Public In and For the State of Texas

TRAVIS COUNTY SHERIFF'S VERIFICATION OF INCARCERATION

The undersigned Deputy Sheriff of Travis County, Texas, hereby verifies that as of __ o'clock _____m. on _____, 20____, the Defendant in the above-referenced cause is in the custody of the following jurisdiction: _____, and is not in federal custody to determine whether he/she is lawfully present in the United States.

Sally Hernandez, Travis County Sheriff

By: _____

Printed Name: _____

Employee No.: _____

Deputy, Travis County Sheriff's Office

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 Travis County Sheriff's 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 \$_____.

Presiding Judge

CERTIFICATE OF COMPLIANCE WITH NOTICE REQUIREMENT

I hereby certify that I delivered a copy of this verified affidavit and order to the prosecutor of the court to which this case is assigned, and to the Travis County Attorney's Office, Bond Forfeiture Section, 314 W.11th St., Ste. 300, Austin, TX 78701, tcaobf@traviscountytexas.gov, on _____, 20____.

Surety or Agent of Surety