

CAUSE NO. _____

THE STATE OF TEXAS	§	IN THE DISTRICT COURT /
	§	COUNTY COURT AT LAW /
v.	§	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, or are based on information I obtained from other persons while in the regular course of business, 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, DBA _____, 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 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 have been informed, and I have verified, the following: (must check all to qualify)

- ☐ There has been no failure to appear or capias/judgment nisi ordered on this charge.
- ☐ The possibility or threat of filing a 17.16 affidavit has not been used to obtain business on new or additional charges;
- ☐ 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.”

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 _____
a.m. / p.m., on _____, 20_____, the defendant in the above-
referenced cause is in the custody of the following jurisdiction: _____

_____, for the offense(s) of _____
under cause/booking/inmate 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/Badge No.: _____

Deputy Sheriff, Webb County Sheriff’s
Office

Webb County Bail Bond Board

Approved 01/15/2025

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CERTIFICATE OF SERVICE

In keeping with Rule 21a of the Texas Rules of Civil Procedures, I hereby certify that a true and correct copy of the foregoing instrument has been served upon:

Attorney for the State:

49th Judicial District Attorney's Office
1110 Victoria Street, Suite 401
Laredo, Texas 78040
(956) 523-5054 (fax)

Attorney for Principal*:

(firm name)
(address 1)
(address 2)
(city, state, zip code)
(fax)
(email)

by the following method of service: _____.

Date: _____

Surety

***If Principal is not represented by an attorney, Surety must serve Principal with this Motion and fill out Principal's information instead.**

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COURT'S FINDINGS AND ORDER

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 finds that Principal is incarcerated in the Webb County Jail and that Surety is entitled to the relief requested. Pursuant to Article 17.16(d), no capias for the arrest of the accused is ordered. New bail is hereby set in the amount of \$_____.
- ☐ The Court finds that Principal is incarcerated in another jurisdiction and that Surety is entitled to the relief requested. Pursuant to the provisions of Article 17.16(c), the Clerk of the Court is ordered to prepare and issue a capias for the arrest of the accused. Bail on the capias is hereby set in the amount of \$_____.
- ☐ The Court did not find cause to grant the relief requested and said Motion is hereby DENIED for the following reason(s) _____. Any detainer placed against Principal following verification of the affidavit is hereby ordered to be removed.

SIGNED AND ENTERED on _____, 20_____.

Presiding Judge