

Cause No. \_\_\_\_\_

THE STATE OF TEXAS  
VS.

X  
X

IN THE \_\_\_\_\_ DISTRICT  
COURT

DOB \_\_\_\_\_

X

IN THE COUNTY COURT  
AT LAW # \_\_\_\_\_  
COMAL COUNTY, TEXAS

**AFFIDAVIT OF SURETY TO SURRENDER-REQUEST FOR WARRANT**

TEXAS CCP Art. 17.19 SURETY MAY OBTAIN A WARRANT. (a) Any surety, desiring to surrender his principal and after notifying the principal's attorney, if the principal is represented by an attorney, in a manner provided by Rule 21a, Texas Rules of Civil Procedure, of the surety's intention to surrender the principal, may file an affidavit of such intention before the court or magistrate before which the prosecution is pending. (b) In a prosecution pending before a court, if the court finds that there is cause for the surety to surrender the surety's principal, the court shall issue a *capias* for the principal. In a prosecution pending before a magistrate, if the magistrate finds that there is cause for the surety to surrender the surety's principal, the magistrate shall issue a warrant of arrest for the principal. (c) If the court or magistrate before whom the prosecution is pending is not available, the surety may deliver the affidavit to any other magistrate in the county and that magistrate, on finding of cause for the surety to surrender the surety's principal, shall issue a warrant for the principal.

**TO THE HONORABLE JUDGE OF SAID COURT:**

\_\_\_\_\_, DBA \_\_\_\_\_ who, being duly sworn, deposed and says on oath that they are the surety on the appearance bond of said defendant, charged with \_\_\_\_\_, which is a MISDEMEANOR|FELONY \$ \_\_\_\_\_ BOND, bonded on the \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_. Surety has filed this affidavit in accordance with Article 17.19, Texas Code of Criminal Procedure. Surety further states on oath that surety has just cause to surrender said bond, said cause being as follows:

**DETAILS OF REASONING TO COURT;**

WHEREFORE, PREMISES CONSIDERED, petitioner prays the Court finds that there is reasonable cause on the part of the surety named herein to surrender the principal, and order the clerk to issue a *capias* directing that the above defendant be arrested and placed in custody.

Respectfully submitted, \_\_\_\_\_  
Agent & Bond Company Contact Info

SWORN To and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public, County of \_\_\_\_\_, State of Texas

\_\_\_\_\_

**CERTIFICATE OF NOTIFICATION**

**I hereby certify:**

- The Defendant does not have an attorney on record for this case.**
- The Defendant is represented by \_\_\_\_\_,**  
attorney at law, whose address is \_\_\_\_\_, and  
has been notified of the intended filing of this instrument. Notification was made in  
accordance with Rule 21a, Texas Rules of Civil Procedure on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

**CERTIFICATE OF SERVICE**

- Article 17.19 C.C.P. *does not* require a copy of affidavit to be submitted to the office of the prosecuting attorney.

\_\_\_\_\_  
Signature

State of Texas  
County of Comal

Before me, the undersigned Notary Public, on this day did personally appear \_\_\_\_\_ DBA \_\_\_\_\_, known to me to be the person whose name is subscribed to the above Certificates of Notification and Service and upon her oath, stated that the information contained therein is true and correct.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Seal

\_\_\_\_\_  
Notary Public, State of Texas

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AT LAW # \_\_\_\_\_  
COMAL COUNTY, TEXAS

**ORDER RE: REQUEST TO SURRENDER DEFENDANT**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came on to be heard surety's request to surrender the defendant/principal pursuant to Art. 17.19, Code of Criminal Procedure.

The court finds as follows:

\_\_\_\_\_ There is cause for surety to surrender the defendant/principal.

\_\_\_\_\_ There is NO cause for the surety to surrender the defendant/principal.

\_\_\_\_\_ Defendant is represented by an attorney, and said attorney was properly notified of this request by the surety.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court as follows:

\_\_\_\_\_ Surety's request to surrender defendant/principal is **GRANTED** in addition to the following orders:

The clerk shall immediately issue a warrant or alias capias directing that the above-named defendant be arrested and placed in the Comal County Jail;

The surety, \_\_\_\_\_, DBA \_\_\_\_\_, shall be responsible for all necessary and reasonable expenses incurred by the sheriff(s) in re-arresting the defendant/principal, which the court finds to be \$500.00, and all other reasonable expenses incurred by any other sheriff or peace officer in re-arresting the defendant/principal, in an amount to be determined after the defendant/principal is arrested and placed in the Comal County Jail: AND

The surety, \_\_\_\_\_, DBA \_\_\_\_\_, shall be, in all things, released from further liability on the bond once the above-named defendant is placed in the Comal County Jail and any arrest costs incurred by the county by this request are paid in full.

\_\_\_\_\_ Surety's request to surrender defendant/principal is **DENIED**.

\_\_\_\_\_ Surety's request to surrender defendant/principal is **GRANTED**. The Surety on said Bail Bond Be and hereby in all things released from any further liability thereon.

SIGNED AND ENTERED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PRESIDING JUDGE