
Affidavit for Probable Cause

Issuance of Bad Check Penal Code §32.41

By Merchant with Merchant Identification Card

THE STATE OF TEXAS §

COUNTY OF HARRIS §

I, _____ (name of Affiant)
being duly sworn, upon oath state that I have good reason to believe and do believe and charge that before the making of this complaint, that:

On or about _____ (date of transaction) in Harris County, Texas, Defendant,
_____ (name of defendant)

issued and passed a check for the payment of money, dated _____ (date of check)
payable to the order of _____ (name of payee)
in the amount of \$ _____ (amount of check) drawn on _____ (name of Bank)
without having sufficient funds on deposit with the bank for the payment in full of the check.

Affiant is employed by _____ (Merchant) and is the Collections Supervisor and handles customer's checks. Affiant is personally familiar with the business practices of Merchant, including a requirement that before an employee of Merchant may accept a check from a customer, the employee must require that the customer display to the employee a Merchant Identification Card and that the employee must compare the photograph on the Merchant Identification Card with the customer and determine whether they are one and the same person. A Merchant Identification Card is issued to a customer after the customer provides, among other things, his name, address, telephone number, date of birth, social security and driver's license or other photographic identification, and the Merchant examines the information and verifies the customer's description, and makes a photograph of the customer which is included on the Merchant's Identification Card. No sale can be transacted without the employee first entering the Merchant's Identification Card number into the cash register.

Affiant has examined the business records of Merchant. Those records reflect that Merchant employs
_____ (name of employee)

that on _____ Employee, in the course of employment with Merchant, accepted
Check No. _____ from _____ (name of defendant)

for the payment of money; that Defendant presented Merchant's Identification No. _____
and that the Employee compared Defendant with the photograph contained on the Identification Card, and
believed them to be one and the same.

Affiant has further examined the business records of Merchant, including the check, and those records reflect that the check was presented for payment within thirty days after it was issued, and it was returned unpaid, marked
“ _____ “ (reason for non-payment of check).

The records also show that on _____ Merchant gave Defendant notice of the
bank's refusal to pay, and further show that as of the date of this Affidavit, the Defendant has not paid the check.

_____ (Affiant's signature)

SWORN TO AND SUBSCRIBED BEFORE ME on _____

Clerk of the Court / Notary Public, State of Texas

Printed Name:

My Commission Expires