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# Affidavit for Probable Cause

Issuance of Bad Check Penal Code §32.41

By Merchant Owner or Manager

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 the ( owner  manager) of \_\_\_\_\_ (name of Merchant)

Affiant was told by \_\_\_\_\_, (name of employee taking check)

who Affiant believes to be a credible and reliable employee, that in the course of employment, the employee was given a check for payment of money by Defendant as described above. The Affiant was told by the employee that

Defendant presented the employee with Texas Driver's License No. \_\_\_\_\_, and/or

Texas Department of Public Safety Personal Identification Card No. \_\_\_\_\_

and the employee compared the photograph on the License or Identification Card with the Defendant and believed them to be one and the same person.

Affiant reviewed the records of the Merchant including the check given by the Defendant. The records show that the check was presented for payment within thirty days after it was issued, and was returned unpaid, marked

“ \_\_\_\_\_ “ (reason for non-payment of check).

The records also show that Merchant gave Defendant notice of the bank's refusal to pay, by

Registered mail-return receipt requested  Telegram with report of delivery requested

Certified mail-return receipt requested

addressed to the Defendant at the Defendant's address shown on the  Records of the bank  Records of the Merchant

The notice contained the statement required by Art. 32.41 of the Texas Penal Code.

The records also 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