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# Affidavit for Probable Cause

Issuance of Bad Check Penal Code §32.41

By Courtesy Booth Operator

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 \_\_\_\_\_ (name of Merchant)

and is the operator of the Courtesy Booth that handles customer's checks. Affiant is personally familiar with the business practices of Merchant, which includes 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 the customer's Texas Driver's License or Texas Department of Public Safety Personal Identification Card; that the employee must compare the photograph on the License or identification Card with the customer and determine whether they are one and the same person; and the employee must then write the customer's license or identification card number on the check and the employee's initials to indicate that the procedures were followed.

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, as indicated by Employee's notation on the check, Defendant presented

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

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

and that the Employee compared Defendant with the photograph contained on the License/Personal 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