
Affidavit for Probable Cause

Issuance of Bad Check Penal Code §32.41

By Individual

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.

I am an individual and a resident of Harris County, Texas. On _____, I was given a check for payment of money by Defendant. I know and am able to identify Defendant because (stating only facts, not conclusions, describe how the Defendant is known to you):

The check was passed at _____ (describe location and address)

I presented the check to _____ Bank within thirty days after it was issued for payment, and it was returned to me marked

“ _____ “ (reason for non-payment of check).

On _____, I gave Defendant notice of the bank’s refusal to pay, in writing, sent by certified mail with return receipt requested, addressed to the Defendant at the address shown on the check and containing the following statement:

“This is a demand for payment in full for a check or order not paid because of a lack of funds or insufficient funds. If you fail to make payment in full within 10 days after the date of receipt of this notice, the failure to pay creates a presumption for committing an offense, and this matter may be referred for criminal prosecution.”

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, Justice Court, Precinct _____, Position _____