

**JOHNSON COUNTY
COUNTY ATTORNEY'S OFFICE**

**THEFT BY WORTHLESS CHECK AFFIDAVIT OF
PROBABLE CAUSE FOR ISSUANCE OF WARRANT
(FOR CHECKS LESS THAN \$1500.00)
(TO BE USED BY THE MERCHANT ONLY AND
DIRECTLY FILED WITH THE CA'S OFFICE)**

THE UNDERSIGNED AFFIANT, WHO BEING DULY SWORN BY ME,
MAKES THE FOLLOWING STATEMENT UNDER OATH: I HAVE REASON
TO BELIEVE AND DO BELIEVE THAT:

PLEASE TYPE OR PRINT

FOR OFFICIAL USE:

Date rec'd.: _____

Delivered by: _____

CAID#: _____

(NAME OF CHECKWRITER)

hereinafter called the accused, did commit the offense of theft by passing a worthless check. My belief is based on the following facts, as shown by the appropriately completed information as set out below, to wit:

FACTS ABOUT THE ACCUSED AND THE CHECK

Home Address: _____ City: _____ State: _____ Zip: _____

Business Address: _____ City: _____ State: _____ Zip: _____

Home Phone #: _____ Bus. Phone#: _____

Description: Sex: _____ Race: _____ Ht: _____ Wt: _____ Hair: _____ Eyes: _____

DOB: _____ DL# or ID#: _____ State: _____

Payee (Store name & No.): _____ Phone #: _____

Payee address: _____ City: _____ Zip Code: _____

<u>AMT. OF RESTITUTION</u>	<u>CHECK NO.</u>	<u>DATE WRITTEN</u>	<u>CHECKWRITER'S BANK/CITY</u>
Check amt.: _____			
Merchant fee: _____			
Cert. Mail fee: _____			
Total amt.: _____	ITEM PURCHASED OR SERVICE: _____		

<u>CERTIFIED MAIL SENT (Y/N)</u>	<u>FIRST CLASS MAIL WITH AFFIDAVIT (Y/N)</u>	<u>PERSON WHO REC'D CHECK</u>	<u>STOP PAYMENT (Y/N)</u>	<u>HOW CHECK DISHONORED BY BANK (NSF or AC)</u>
_____	_____	_____	_____	_____

Check the following paragraphs to indicate the facts of the transaction:

() that as part of my job responsibilities with _____, hereinafter referred to as "store", I am the custodian of the business records relating to the above described instrument and I am familiar with the procedures of the "store" with regard to the accepting and processing of checks and similar sight orders and it is within the regular course of the business of the store for an employee with personal knowledge of the transaction, said employee being named in this affidavit as the "Person who rec'd check", to make a contemporaneous business record of the facts set forth in this affidavit.

() that I personally received said check or similar sight order from the issuer and I have examined the business records and information relating to this business transaction and the facts set forth in this affidavit.

That the accused committed the offense of (Theft by Check) because the accused issued and passed a check or similar sight order for the payment of money knowing that the accused did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or similar sight order or stopped payment on the check or similar sight order; that said check or similar sight order was delivered by the accused to an employee of the "store" or me (as reflected by the above checked paragraph) in Johnson County, Texas; that said check or similar sight order was not post-dated or a hold check instrument; that said instrument was believed to have been good when it was accepted; that the accused has never returned the property or paid the instrument; that the affiant or store employee did not consent to the accused obtaining the property or service (as reflected within the affidavit) without receiving payment for the same; that said instrument was presented to the bank of the accused within 30 days of issuance; and that it is regular business policy to require identification by the issuer at the time of the transaction, as reflected by the facts set forth in this affidavit.

PRINTED NAME OF AFFIANT

SIGNATURE OF AFFIANT

SUBSCRIBED AND SWORN to before me by the said Affiant on this _____ day of _____, 20_____.

NOTARY PUBLIC in and for the STATE OF TEXAS

On this the _____ day of _____, 20_____, I hereby acknowledge that I have examined the foregoing affidavit and have determined that proper cause exists for the issuance of an arrest warrant for the individual named therein.