



DENISE M. FORTENBERRY
130th Judicial District Judge

STANDING ORDER FOR BONDS, SURRENDERS AND FORFEITURES

A. *Surety Bonds*

Surety bonds shall comply with the requirements of Texas Code of Criminal Procedure Article 17.08 and be in compliance with any forms promulgated by the Matagorda County Bail Bond Board (MCBBB). No surety bond will be accepted by the Court if the surety is not licensed by the MCBBB.

B. *Personal Bonds*

Personal bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.04 and be in compliance with any forms promulgated by the MCBBB and/or the Court.

C. *Attorney Bonds*

Attorney bonds are governed by section 1704.163 of the Occupations Code. No attorney bond will be accepted by the Court unless all the following documents required by the MCBBB and the court are submitted to the Sheriff *before execution of bond or acting as surety*.

- A. *Attorney Bail Bond Affirmation*;
- B. *Notice of Appearance as Counsel of Record* for all cases the attorney acts as surety.
- C. *Motion to Substitute Counsel of Record* (applicable if an attorney has already been appointed for the principal).

The Sheriff's Department shall forward copies of all documents listed above to the Office of the District Attorney and Office of the Local Administrative Judge within the *first business day* following the execution of bond by the attorney.

The attorney executing a bond for a principal is responsible for determining whether an attorney is already appointed or retained for the case.

An attorney's privilege to execute bonds in Matagorda County may be revoked for failure to follow this standing order and/or the rules of the MCBBB.

D. Cash Bonds

Cash bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.08 and be on a form approved by the MCBBB and the Court. Any cash funds deposited shall be receipted for by the officer receiving the funds and the receipt provided to the clerk to file in the records of the case. Refund of bond shall only be by order of the Court and will be refunded to:

- A. The person named in the receipt, or named in the bond form, as the person who provided the funds; or
- B. The Principal, if no other person is able to produce a receipt for the funds.

At the request of the Principal and/or order of the Court to apply a cash bond to Principal's outstanding fines and costs, any remaining funds after such sums are paid shall be refunded as provided above.

E. Surrender and Forfeiture

Procedures. These apply to bondsman and attorneys acting as bondsmen. The procedures in Occupations Code 1704.207 govern the procedure for surrender in bail bond board counties and includes required notice under TCRP 21a. Additionally, surrender shall also comply with Article 17.16 of the Code of Criminal Procedure.

Notice Required. The Court will not rule on a request to surrender without a certificate of service that complies with rules of civil procedure¹ and it has received the Affidavit of Incarceration from the Office of the Matagorda County Sheriff (if bondsman alleges out-of-county arrest).

Contest. If a contest to the surrender is filed, the Court ordering the surrender will set a hearing to determine if the surrender was without reasonable cause.²

Affidavits. Affidavit of Surrender (In-Custody), Affidavit of Surrender (Not In-Custody) and Affidavit of Incarceration forms are included in these standing orders as Exhibit A, B and C, respectively.

Pre-Indictment Release of Surety. If a bondsman files a release of surety pre-indictment, the bondsman shall provide a copy of the release of surety to the District Attorney's Office.

¹ Occ. Code 1704.207(a)(1) requires notice to the attorney for the principal/defendant to be in compliance with TCRP 21(a).

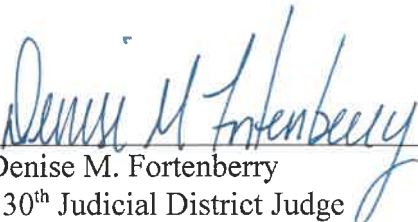
² Occ. Code 1704.207(b) permits an attorney for the state or for the accused the opportunity to contest the surrender due to unreasonable cause.

Re-Arrest Fees. All sureties on bail bonds are responsible for and shall pay all necessary and reasonable expenses incurred by the Sheriff's Department relating to the re-arrest of any principal whose bail bond has been forfeited or whose surety has filed an affidavit to surrender the principal. For an in-county re-arrest, a flat fee of \$45 shall be paid by the Bondsman. For an out-of-county re-arrest, the Bondsman shall pay the actual extradition costs.

Refund of Bonding Fee. If the Court finds that the release is for unreasonable cause, the Court may order the bondsman to refund all or a portion of the fees collected under Occ. Code 1704.207(c) to the Principal.

Forfeiture. If a Principal appears on the same day of a failure to appear and signs a reset, the Court may withdraw the warrant and dictate that the forfeiture case not be filed. Before a final judgment on forfeiture of bail, the prosecuting attorney and surety can present a settlement to the Court.

SIGNED: July 14, 2022


Denise M. Fortenberry
130th Judicial District Judge

FILED
at 2:44 o'clock P. M.

JUL 15 2022

JANICE L. HAWTHORNE
Clerk of District Court, Matagorda Co., Texas
By  DEPUTY

CAUSE NO. _____

THE STATE OF TEXAS

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IN THE DISTRICT COURT

v.

OF

MATAGORDA COUNTY

**AFFIDAVIT OF SURETY TO SURRENDER
DEFENDANT IN CUSTODY**

TO THE PRESIDING JUDGE OF SAID COURT:

Before me, the undersigned authority, on this day personally appeared _____ dba _____, who, being by me duly sworn, deposed as follows:

1. I am the surety or authorized agent of the surety on the bail bond of the defendant in the above entitled and numbered cause.
2. The principal ('Defendant') is charged with the following offense(s):

3. The amount of the bond \$ _____. Date of Bond _____.
4. I was paid \$ _____ for bond fee or attorney fee as described by Occ. Code 1704.207(c).
5. I desire to surrender the defendant into the custody of the Sheriff of Matagorda County, Texas for the following reason(s):

6. Notice has been given to the defendant's Attorney: Yes No No attorney
Attorney Name: _____
By: CMRRR _____, email, or fax on _____ (date)
7. Last known address of principal: _____
8. The principal's physical description is:
Race: _____ Sex: _____ DOB: _____ Height: _____ Weight: _____
Hair: _____ Eyes: _____ DL/ID #: _____ State: _____

9. The defendant is currently in custody.

Matagorda County.

Federal custody

_____ County, Texas.

Out of State: _____

10. I am aware of the fees that will be charged for in-county and out-of-county re-arrests as outlined in Section E of the Court's Standing Order for Bonds, Surrenders and Forfeitures and the Matagorda County Bail Bond Board Rules.

11. I request the Court to direct the clerk of this court to prepare a **WARRANT OF ARREST** directing the Sheriff of Matagorda County, or any other proper officer of this State, to re-arrest said defendant and cause said defendant's incarceration in Matagorda County Jail.

Petitioner

Company

Address

Telephone

SUBSCRIBED AND SWORN before me, this the _____ day of _____, 20__.

Notary Public in and for the
State of Texas

CAUSE NO. _____

THE STATE OF TEXAS

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IN THE DISTRICT COURT

v.

OF

MATAGORDA COUNTY

**ORDER ON SURETY'S REQUEST TO SURRENDER
(DEFENDANT IN CUSTODY)**

On this day came on to be heard Plaintiff's Request to Surrender, and the Court ORDERS the following:

_____ The Request to Surrender is **GRANTED** *for good cause* and the clerk of this court is ordered to issue an alias capias. The surety is released from liability.

No bail. Bail is set at \$_____.

Petitioner is ORDERED to pay \$_____ as reasonable and necessary costs associated with the extradition. (Defendant is in custody outside of Matagorda County).

Petitioner is ORDERED to pay a flat fee of \$45.00 for the re-arrest. (Defendant in custody in Matagorda County).

_____ The Request to Surrender is **GRANTED** but the Court FINDS that the reason is not good cause. The clerk of this court is ordered to issue an alias capias. The surety is released from liability.

No bail. Bail is set at \$_____.

Petitioner is ORDERED to pay \$_____ as reasonable and necessary costs associated with the extradition. (Defendant is in custody outside of Matagorda County).

Petitioner is ORDERED to pay a flat fee of \$45.00 for the re-arrest. (Defendant in custody in Matagorda County).

Petitioner is ORDERED to return to Defendant \$_____ from the fees collected pursuant to Occ. Code 1704.207(c).

_____ **MOTION DENIED** for failure to show cause.

Signed this _____ day of _____, 20__.

JUDGE PRESIDING

CAUSE NO. _____

THE STATE OF TEXAS

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IN THE DISTRICT COURT

v.

OF

MATAGORDA COUNTY

**AFFIDAVIT OF SURETY TO SURRENDER
DEFENDANT NOT IN CUSTODY**

TO THE PRESIDING JUDGE OF SAID COURT:

Before me, the undersigned authority, on this day personally appeared _____ d/b/a _____, who, being by me duly sworn, deposed as follows:

1. I am the surety or authorized agent of the surety on the bail bond of the defendant in the above entitled and numbered cause.

2. The principal ('Defendant') is charged with the following offense(s):

3. The amount of the bond \$ _____. Date of Bond _____.

4. I was paid \$ _____ for bond fee or attorney fee as described by Occ. Code 1704.207(c).

5. I desire to surrender the defendant into the custody of the Sheriff of Matagorda County, Texas for the following reason(s):

6. Notice has been given to the principal's Attorney: Yes No No attorney

Attorney Name: _____

By: CMRRR _____, email, or fax on _____ (date)

7. Last known address of principal: _____

8. The principal's physical description is:

Race: _____ Sex: _____ DOB: _____ Height: _____ Weight: _____

Hair: _____ Eyes: _____ DL/ID #: _____ State: _____

9. The defendant is not currently in custody.
10. I request the Court to direct the clerk of this court to prepare a **WARRANT OF ARREST** directing the Sheriff of Matagorda County, or any other proper officer of this State, to re-arrest said defendant and cause said defendant's incarceration in Matagorda County Jail.

Petitioner

Company

Address

Telephone

SUBSCRIBED AND SWORN before me, this the _____ day of _____, 20__.

Notary Public in and for the
State of Texas

CAUSE NO. _____

THE STATE OF TEXAS

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§
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IN THE DISTRICT COURT

v.

OF

MATAGORDA COUNTY

**ORDER ON SURETY'S REQUEST TO SURRENDER
(DEFENDANT NOT IN CUSTODY)**

On this day came on to be heard Plaintiff's Request to Surrender, and the Court ORDERS the following:

_____ The Request to Surrender is **GRANTED** *for good cause* and the clerk of this court is ordered to issue an alias capias. The surety is released from liability after the Defendant is re-arrested.

No bail. Bail is set at \$ _____.

Petitioner is ORDERED to pay reasonable and necessary costs associated with the re-arrest as billed by the clerk. The cost shall be a flat fee of \$45.00 if Defendant is arrested in Matagorda County.

_____ The Request to Surrender is **GRANTED** but the Court FINDS that the reason is not good cause. The clerk of this court is ordered to issue an alias capias. The surety is released from liability after the Defendant is re-arrested.

No bail. Bail is set at \$ _____.

Petitioner is ORDERED to pay reasonable and necessary costs associated with the re-arrest as billed by the clerk. The cost shall be a flat fee of \$45.00 if Defendant is arrested in Matagorda County.

Petitioner is ORDERED to return to Defendant \$ _____ from the fees collected pursuant to Occ. Code 1704.207(c).

_____ **MOTION DENIED** for failure to show cause.

Signed this _____ day of _____, 20__.

JUDGE PRESIDING