

Magistrate: _____ Agency and Case #: _____

AFFIDAVIT FOR WARRANTLESS ARREST

THE STATE OF TEXAS

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF TEXAS:

COUNTY OF McLENNAN

BEFORE ME, the undersigned authority, on this day, personally appeared (*affiant's name*) _____ a duly authorized peace officer for (*agency*) _____ and for the State of Texas, who after being by me duly sworn, deposes and says: That on or about (*insert date*) _____, before the making of this affidavit, in the State of Texas and County of McLennan, at approximately (*insert location*) _____

The Accused (*insert name of the Accused*) _____, did then and there commit the Criminal offense of (*specify offense*) _____ against the laws of the State of Texas. Affiant arrested the Accused for the following indicated reason(s) and has good reason to believe and does believe that the Accused has committed such offense because: [*mark and complete appropriate warrantless arrest basis, 1 to 7*]

- _____ (1) Such offense was committed by the Accused in the presence of or **within the view of Affiant;**
- _____ (2) The Accused was found by Affiant in a **suspicious place and under circumstances** that reasonably show that the Accused had been guilty of the above offense, which is: [*check which applies, (a) to (e)*]
 _____ (a) **a felony**
 _____ (b) **offense under 49.02 , Penal Code** [*Public Intoxication*]
 _____ (c) **violation of Title 9, Chapter 42, Penal Code** [*Disorderly Conduct and Related Offenses*]
 _____ (d) **a breach of the peace** [*Offenses that cause disquiet and disorder, and which threaten danger and disaster to the community. Offenses specifically held to be a breach of the peace are - - being drunk in public, driving in wrong lane, displaying pistol, UCW, DWI, and FSI. One offense specifically held NOT to be breach of the peace is criminal trespass.*]
 _____ (e) **the Accused threatened or was about to commit some offense against the laws of this State**
- _____ (3) There is probable cause to believe that the Accused committed an **assault resulting in bodily injury**, namely (*insert description of injury*) _____, to another person, namely (*identify person assaulted*) _____ and Affiant has probable cause to believe that there is danger of further bodily injury to that person (*put facts supporting danger of further injury on back*).
- _____ (4) There is probable cause to believe that the Accused committed an **assault resulting in bodily injury**, namely (*insert description of injury*) _____, to a **member of the Accused's family or household**, namely (*identify person*) _____, who is/was (*identify family or household relationship*) _____
- _____ (5) There is probable cause to believe that the Accused committed the offense **Violation of a Protective Order** (25.07, Texas penal Code for protective order or magistrate's protective order, NOT ex parte protective order), which Order was issued by the (*identify the Court issuing the order*) _____ and was signed or became Effective on (*insert date*) _____ and which Order prohibited the Accused from (*state what order prohibited*) _____
- _____ (6) There was shown to Affiant, by satisfactory proof, and/or upon the representation of the credible person, that said offense, a **felony**, had been committed by the Accused and the Accused was **about to escape** so that there was no time to procure a warrant; or
- _____ (7) The Accused was arrested to prevent the consequences of theft, as provided by Art. 18.16, Texas Code of Criminal Procedure.

[continue on back]

The Accused: *(insert name of the Accused)* _____

Property the Accused ____ damaged or destroyed or ____ took without consent is/was: _____

and it has an estimated value of _____,

which estimate was provided to me by _____

Weapon(s) ____ displayed or ____ used was/were _____

Information regarding this offense was **provided** to me by: ____ the victim(s) ____ apparent eye witness(es) ____ peace officer(s)

____ other person(s) as follows: _____

For Criminal Trespass: warning or notice was given by *(identify how warned)* _____

Facts in support of the above indicated reason(s) for arrest include: That on said date in McLennan County, Texas

(set out facts supporting probable cause for elements of offense - - if offense must occur in public place, clearly identify the public place)

X

AGENCY

AFFIANT'S SIGNATURE

BADGE #

Sworn and subscribed before me, this the _____ day of (insert month) _____, A.D. (Year) _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS