

CAUSE NO. CR-16-12256-F

THE STATE OF TEXAS * COUNTY COURT AT LAW # 6
VS. *
GUTIERREZ, MARISOL, Principal & * OF
RENE A. ANZALDUA D/B/A *
ANZALDUA BAIL BONDS, Surety Pro Se, * HIDALGO COUNTY, TEXAS

ORDER

On this day came before this Honorable Court the foregoing Motion to Exonerate Bond and Discharge of Liability and in support thereof. The Court has considered the Motion to Exonerate Bond and Discharge of Liability, has taken judicial notice of the Court's file, and considered the arguments for the parties. This Court is of the opinion that said motion should be:

GRANTED; said bond is Exonerated as per Surety only.
 DENIED.

SO ORDERED on this the 23 day of Aug, 2017.

Agreed:


Assistant District Attorney


PRESIDING JUDGE

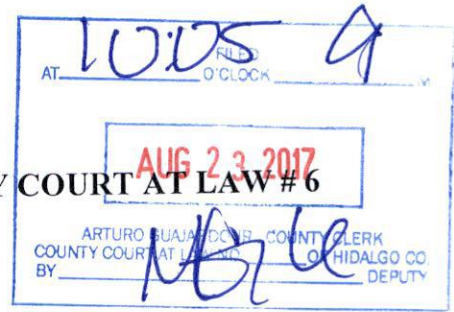


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COUNTY COURT AT LAW #6
OF
HIDALGO COUNTY, TEXAS



MOTION TO EXONERATE BOND AND DISCHARGE OF LIABILITY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW RENE A. ANZALDUA D/B/A ANZALDUA BAIL BONDS, hereinafter referred as Surety and MARISOL GUTIERREZ, hereinafter referred as Principal/Defendant, and files this Motion to Exonerate Bond and Discharge of Liability, and in support thereof would show this Honorable Court as follows:

I.

RENE A. ANZALDUA D/B/A/ ANZALDUA BAIL BONDS, posted bond on OCTOBER 31, 2016 in the amount of ONE THOUSAND (\$1,000.00) Dollars to secure the release of Principal/Defendant from confinement at the Hidalgo County Jail. (See Exhibit-A Copy of Bond Posted on Defendant). Principal/Defendant's charge at the time of the posting of the said bond was an offense of DRIVING WHILE INTOXICATED. Principal/Defendant was released on bond pending an Arraignment hearing for NOVEMBER 21, 2016.

II.

Principal/Defendant was arrested on NOVEMBER 5, 2016 on a subsequent offense. Specifically Principal/Defendant was arrested for MISDEMEANOR CHARGES. Subsequently, Surety ascertained that Principal/Defendant is in custody at the HIDALGO COUNTY SHERIFFS DEPT, 711 E. EL CIBOLO RD, EDINBURG, TX. 78542.

Surety, was able to obtain an Affidavit of Surety Verification of Incarceration and delivered the said affidavit to the Sheriff of Hidalgo County. (See Exhibit B)

Surety would show that at the time of posting of the said bond, Principal/Defendant did not have any other outstanding criminal warrants or order of detention from INS.

This case is pending before this Honorable Court. Before this date and a judgment NISI is signed again, Surety files this Motion to Exonerate Surety from said bond under Article 17.16 of the Code of Criminal Procedure. Under Article 17.16. **DISCHARGE OF LIABILITY; SURRENDER OR INCARCERATION OF PRINCIPAL BEFORE FORFEITURE**

(a) A surety may before forfeiture relieve himself of his undertaking by:

(1) surrendering the accused into custody of the sheriff of the county where the prosecution is pending; or

(2) delivering to the sheriff of the county where the prosecution is pending an affidavit stating that the accused is incarcerated in federal custody, in the custody of any state, or in any county of this state.

(b) For the purposes of Subsection (a) (2) of this article, the bond is discharged and the surety is absolved of liability on the bond on the sheriff's verification of the incarceration of the accused.

(See Exhibit-C Article 17.16 of the O'Connor's Code of Criminal Procedure)

III.

In the alterative, Surety files this Motion to Exonerate the Surety, under Article 22.13 of the Code Criminal Procedure. Under Article 22.13. **CAUSES WHICH WILL EXONERATE**

(a) The following causes, and no other, will exonerate the defendant and his sureties, if any, from liability upon the forfeiture taken:

1. That the bond is, for any cause, not a valid and binding undertaking in law. If it be valid and

binding as to the principal, and one or more of his sureties, if any, they shall not be exonerated from liability because of its being invalid and not binding as to another surety or sureties, if any. If it be invalid and not binding as to the principal, each of the sureties, if any, shall be exonerated from liability. If it be valid and binding as to the principal, but not so as to the sureties, if any, the principal shall not be exonerated, but the sureties, if any, shall be.

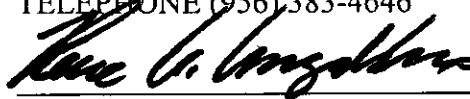
5. The incarceration of the principal in any jurisdiction in the United States:

(See Exhibit-D Article 22.13 of the O'Connor's Code of Criminal Procedure)

IV.

WHEREFORE, PREMISES CONSIDERED, RENE A. ANZALDUA D/B/A ANZALDUA BAIL BONDS, Surety, on its behalf and for Principal/Defendant **MARISOL GUTIERREZ**, prays that this Court grant the foregoing Motion to Exonerate Bond and Discharge of Liability and for such other and further to which Surety and Principal/Defendant may be entitled.

Respectfully submitted,
RENE A. ANZALDUA
Surety Pro-Se
D/B/A ANZALDUA BAIL BONDS
P.O. BOX 2658
EDINBURG, TEXAS 78539
TELEPHONE (956) 383-4646



RENE A. ANZALDUA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Exonerate Bond and Discharge of Liability has been HAND DELIVERED to the Monica Garcia, District Attorney's office of Hidalgo County, Edinburg, Texas 78539 on the 16 day of AUGUST 2017.

cc: Attorney at Law



RENE A. ANZALDUA

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