

“Order for Issuance of Arrest Warrant and Summons/Order for Surety to Appear;” Implementing Act 752 of 2003 Arkansas General Assembly; To be appended to Rule 9.5, Rules of Criminal Procedure.

[Order for Issuance of Arrest Warrant and Summons/Order for Surety to Appear]

**IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
_____ DIVISION**

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR _____

DEFENDANT

**ORDER FOR ISSUANCE OF ARREST WARRANT
AND SUMMONS/ORDER FOR SURETY TO APPEAR**

On this _____ day of _____, 20____, comes on for consideration the oral motion of the State of Arkansas, by its Prosecuting Attorney for this County, requesting the forfeiture of the defendant’s bail bond and issuance of an alias bench warrant for the immediate arrest of the defendant.

From the statements of the Prosecuting Attorney, a review of the records applicable to this case, and the applicable law, the Court finds that:

- (1) The defendant had been directed to appear before the Court on this date at _____ o’clock _____. m. but failed to respond or to appear before the Court as directed.
- (2) The defendant has been released from custody, having caused a bail bond to be executed in favor of _____ County, Arkansas in the penal sum of \$ _____, with said

defendant as principal and _____ as surety thereon, which bond guaranteed the defendant's appearance on said date and on all dates as directed by the Court in these proceedings.

(3) No reasonable excuse has been advanced to justify the defendant's failure to appear as directed.

THEREFORE, it is herein considered, ordered and adjudged that the Circuit Clerk be, and hereby is directed to promptly cause an alias bench warrant to be issued for the immediate arrest of the defendant, and to cause the warrant to be delivered to the Sheriff of this Court for service upon the defendant. Upon the apprehension or surrender of the defendant, the initial appearance (bail) bond shall be \$ _____; and

IT IS FURTHER ORDERED that the Circuit Clerk be, and hereby is directed to promptly notify the surety (one or more) that the defendant should be surrendered to the Sheriff of this Court as required by the terms of the bail bond and notify the surety (one or more) to appear before the Circuit Court on the _____ day of _____, 20____, at _____ o'clock ____ m. to show cause why the full amount specified in the bail bond or the money, if any, deposited in lieu of bail should not be forfeited to _____ County.

If the surety (one or more) does not appear at the hearing scheduled by the Court, each surety on the bond shall be liable, jointly and severally, for payment of the amount forfeited. If the surety desires to be represented by an attorney, such attorney should appear at the hearing.

Entry of the Order of Forfeiture by the Court shall constitute a personal judgment against each surety on the bond, for which execution and other lawful process may issue.

The officer who is responsible for taking the bail bond is also ordered to appear before the Court on the date and at the time noted above, unless (1) the surety is a bail bondsman, or (2) the officer accepted cash in the amount of bail.

IT IS SO ORDERED on this _____ day of _____, 20_____.

_____, **CIRCUIT JUDGE**

_____, **CIRCUIT CLERK**

BY: _____
Deputy Circuit Clerk