

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
Defendant.) Case No.

MOTION FOR BOND REDUCTION

Comes now the Defendant in the above styled matter and does hereby move this Court to grant an bond reduction or release on Court Services Pretrial or GPS monitor or a “cash bond” in the above styled matter and in support of the same states as follows:

1. The defendant is charged with:
2. The defendant is a long term resident of Tulsa County, Oklahoma, and has sufficient contacts with this jurisdiction to indicate that the defendant will not flee the jurisdiction of this court.
3. A reasonable bond encourages democratic values and the employment of private counsel and reduces the burden upon the taxpayer and reduces jail over-crowding and saves limited resources. The U.S. Supreme Court has noted that prolonged pretrial detention prior to an independent determination of probable cause may unjustly “imperil a suspect’s job, interrupt his source of income, and impair his family relationships.” See, *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975).
4. The purpose of bail is to assure the appearance of the accused at such times as the court may direct, and that bond should never be used for the purpose of punishing the accused, but the sole guide in fixing the amount thereof should be to cause the accused appearance to answer the charge against him. See, *Application of Owen*, 349 P.2d 786

(Okl.Cr. 1960); *Ex Parte Knight*, 289 P.2d 156 (Okl.Cr. 1955), *Gibson v. State*, 655 P.2d 1028 (1982).

5. That the guidelines for appropriate bond settings (over eight factors) were set forth in *Brill v. Gurich*, 1998 OK CR 49, 965 P.2d 404, and which cited with approval and added to the guidelines set forth in *Petition of Humphrey*, 1979 OK CR 97, 601 P.2d 103. There is also available a global position monitoring system (GPS) and according to the “*Brill*” case above the court may impose other “conditions of release.”

6. In most federal court criminal cases defendants do not even use a bondsman and are released on “conditions of release.” This court has the power and authority to order “conditions of release” such as treatment or reasonable conditions or GPS monitor or to set “in the alternative” a cash bond or to authorize a release on Court Services Pretrial.

7. Tulsa County’s guidelines do not take into account the individual factors set forth in *Brill*, *ibid*. In *Clark v Hall*, 2002 OK 29 (2002), the court held that defendant’s have a due process right to an individualized determination of bail and that “bail in Oklahoma is not and cannot serve as a criminal punishment.” The right to the protection against the denial of bail and excessive bail has *historical roots*. Both the Magna Carta and the Bill of Rights contain provisions protecting an individuals right to bail.

Wherefore, Defendant does pray that the court grant a hearing on this motion and grant a bond reduction in this case based thereon.

Respectfully submitted,

Glen R. Graham OBA12110
Attorney for Defendant
1612 S. Cincinnati Ave
Tulsa, Oklahoma 74119 (918) 583-4621

Certificate of Service

This is to certify that the undersigned hand delivered a true and correct copy of the above and foregoing to the Tulsa County District Attorney, 4th Floor, 500 S. Denver, Tulsa, OK, on the same day it was filed with the Tulsa County Criminal Court Clerk.

By: _____
Glen R. Graham

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ORDER SETTING HEARING

Now on this ____ day of _____, 200____, the Motion for Bond Reduction filed by the Defendant in the above styled matter comes before the court and the court finds that the same should be set for a hearing.

It is therefore ordered by this court that the Defendant's Motion for Bond Reduction is hereby set for a hearing on the ____ day of _____, 200____, at _____ o'clock, _____.M., in the chambers or assigned court room before the assigned **or** undersigned Judge of the District Court.

JUDGE OF THE DISTRICT COURT

Certificate of Service

This is to certify that the undersigned hand delivered a true and correct copy of the above instrument to the Office of the Tulsa County District Attorney, 500 S. Denver Ave., Tulsa, OK 74103, on the same day it was filed with the court clerk in the above styled matter.

By: _____
Glen R. Graham