

JUDGE'S STANDING ORDER NO. 8
BONDS, BOND SURRENDERS AND BOND FORFEITURES

On this date, the Court entered the following **ORDER** with respect to bonds, bond surrenders and bond forfeitures:

A. SURETY BONDS

Surety bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.08 and be on a form promulgated by the bail bond board of either Potter or Randall County. No surety bond will be accepted by the Court if the surety is not licensed in either Potter or Randall County.

B. PERSONAL BONDS

Personal bonds must comply with the requirements of Texas Code of Criminal Procedure Article 17.04 and be on a form approved by the Court.

C. ATTORNEY BONDS

No attorney bond will be accepted by the Court unless accompanied by a current sworn financial statement. The Clerk shall present attorney bonds and their accompanying financial statements to the Court for approval.

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 Court. Any cash funds deposited shall be receipted for by the officer receiving the funds and the receipt provided to the Court to file in the records of the case. On order of the Court after the Defendant complies with the conditions of the defendant's bond, the bond will be refunded to:

1. the person named in the receipt, or named in the bond form as the person who provided the funds, including the Defendant if the receipt was issued to the defendant; or
2. the Defendant, if no other person is able to produce a receipt for the funds.

E. AMOUNT OF BONDS

Bond will be set in each case at \$500.00, except that:

1. the Court in its discretion may lower or raise the amount of bond in a particular case; and
2. the cash bond amount required after a forfeiture has previously been entered is \$525.00.

F. APPLICATION OF CASH BONDS TO FINE AND COSTS

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

G. PROCEDURE FOR SURRENDER

A surety wishing to surrender a bond shall comply with the requirements of Texas Code of Criminal Procedure Article 17.19(a). The affidavit of surrender must contain the following information:

1. the court and cause number of the case;
2. the name of the Defendant;
3. the offense with which the Defendant is charged;
4. the date of the bond;
5. the cause for the surrender; and
6. that notice of the surety's intention to surrender the principal has been given to the Defendant's attorney as required.

H. RESETTING OF BONDS AFTER FORFEITURE OR SURRENDER

Any Defendant who requests a court setting after a bail or appearance bond has been forfeited or surrendered shall first post a **cash** bond and then be set on the appearance docket or the trial docket, as appropriate, unless the Court in its discretion allows the resetting of a personal or surety bond.

I. CANCELLATION OF FORFEITURE ON DEFENDANTS APPEARING SAME DAY

If a Defendant appears on the same day that a bond was forfeited and the case is resolved by conviction, deferral or dismissal, the civil bond forfeiture case will not be filed, but the criminal case warrant fees may remain, at the discretion of the Court. If the Defendant appears on the same day that a bond was forfeited and maintains a plea of not guilty, the decision whether to process the civil bond forfeiture case or to reinstate the bond is at the discretion of the Court.

J. CONTINUATION OF BOND AFTER AMENDMENT OR REFILING

If the case for which the bond has been made is amended or refiled, the bond continues to be valid and will follow the amended or refiled case, without the need for the defendant to post a new bond.

K. RELEASE FROM JAIL ON BOND PRIOR TO MAGISTRATION

A Defendant booked into jail on a City charge may be released on a cash or surety bond in the

amount of \$500 prior to seeing the Judge in magistration. The bond will be returnable the next business day, or on a date provided by the Clerk in the case of holiday weekends. For on-view offenses in which the Judge finds probable cause to hold the Defendant, the Judge will set bond at the next magistration, unless the Defendant has elected to make a cash or surety bond prior to magistration. For on-view offenses in which the Judge does not find probable cause, the Defendant is to be released without bond.

IT IS SO ORDERED. Signed and Entered this 9 day of Nov., 2017.

Sonya Letson
Sonya Letson
Presiding Judge