

Bail bonds company wants right to post bond in certain cases



Written by

[Jessie Balmert](#)

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NEWARK -- A local bail bonds company filed a complaint in the Ohio Supreme Court against the Licking County Municipal Court Clerk for not allowing agents to post bond in certain cases.

Newark Law Director Doug Sassen, who represents Clerk Marcia Phelps, said there is a "slight disconnect" between Phelps' literal interpretation of the judges' orders and bondsman Woody Fox's opinion that individuals have a right to surety bonds.

"She's been put in a tight spot," Sassen said.

A judge can set several types of bonds after an individual is arrested.

>> A recognizance bond means the person is released immediately, but must pay a fee if he or she does not appear for court hearings. Many misdemeanors fall into this category.

>> A cash bond means a person pays the full amount.

>> A 10-percent bond means a person pays 10 percent of the bond then makes arrangements to post the rest.

>> A surety bond means a person pays a bail bonds agent a fee to post bond for him or her.

Fox of Woody Fox Bail Bonds argues that the municipal court clerks must accept surety bonds even if the judge sets the bond as cash or 10 percent, according to the complaint filed last week.

"My position is that not allowing a bondsman to post a surety when a cash or 10 percent bond has been set is a violation of the individual's constitutional rights," Fox wrote in a November letter to the clerk's office.

The practice allows government to push out private industry, Fox said.

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Phelps said she does not allow surety bonds if a judge does not list it as an option.

"It is not my intention to restrict a person or bail bond representative of an individual's constitutional rights, but it is my intention to serve the court and the orders of the court," Phelps wrote in response to Fox's letter.

Sassen plans to speak with Fox's attorney, Gary Rosenhoffer, to resolve the confusion quickly. Rosenhoffer declined comment.

Jessie Balmert can be reached at (740) 328-8548 or jbalmert@newarkadvocate.com

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