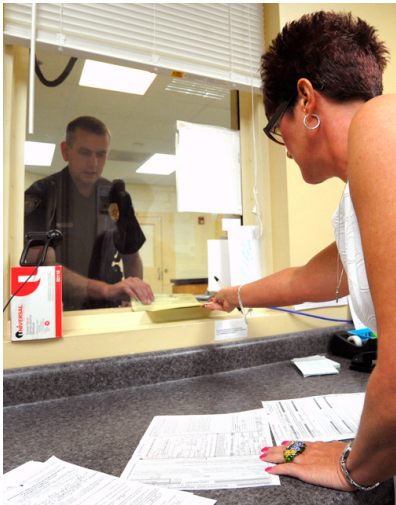


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The price of freedom: Bond amounts depend on varied factors

[Michael D. Abernethy / Times-News](#)

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GRAHAM — It's just after 7 p.m., the start of her shift, when magistrate Wendy Sheldon scans the text of Susie's Law, a new law making animal abuse and cruelty a felony in North Carolina.

Behind a window looking into the processing area of the Alamance County Jail is a man charged with abusing a 1-year-old pit bull and a 5-year-old Labrador by keeping them chained to a tree without food and water. A third dog, also chained in the backyard, inexplicably had food and water available.

Sheldon calls the Mebane officer who investigated the complaint to confirm the scenario. Because Susie's Law is new, she wants to be sure what police witnessed before she charges Shawn Elton Poteat, 45, of Holt Street, Mebane, with two class H felonies.

The officer tells her the chains were so heavy and the dogs so weak they couldn't raise their heads.

Next, she checks Poteat's criminal record and the N.C. Department of Motor Vehicles database for any failures to appear in court. Poteat's record shows he has been convicted of drug use and numerous assaults on women.

After weighing the alleged crime and Poteat's record, Sheldon sets bail at \$50,000. She also orders him not to possess any animals if he posts bail before his case is decided in Alamance County Superior Court

SETTING BOND ISN'T a science.

Bail bond amounts are intended to ensure a defendant will show up in court. Bond amounts aren't meant to punish defendants, who must be considered innocent by the justice system until proven guilty in court.

Each of Alamance County's 12 magistrates determines bond amounts on a case-by-case basis and work independently of each other. Magistrates are judicial officers of the district court and have the authority to issue arrest warrants, search warrants and initiate civil court proceedings. They also conduct weddings.

Alamance County's magistrates are overseen by David Barber, Alamance County Clerk of Superior Court. Keith Brady is the county's chief magistrate. The number of a county's magistrates is determined by the N.C. Administrative Office of the Courts based on caseload, Brady said.

Alamance County's pretrial release policy offers a guideline for magistrates to set bail bond amounts. The policy was last revised in 1995 and overseen by retired Superior Court Judge J.B. Allen Jr. It sets aside 14 criteria magistrates can use when setting bail, including the severity of charges, family ties, a defendant's

financial resources and the length of a defendant's residence in the community. A history of flight to avoid prosecution or a history of failure to appear in court can also be weighed by magistrates to set bond.

Suggested maximum bail amounts in the policy range from \$300 for lower level misdemeanors to \$100,000 for class B1 and B2 felonies, which includes second-degree murder and first-degree rape. First-degree murder is a class A felony. Superior court judges determine the bond amount, if any, applicable to defendants charged with first-degree murder.

Sheldon says whether or not defendants are cooperative with law enforcement often influences the bond amount. Sometimes it can determine whether any bond amount is set.

Posting bail is one of several ways defendants can be released before their trial. Magistrates can also issue a written promise to appear in court. In driving-while-impaired cases, defendants can be released to the custody of a sober adult on a written promise to appear. Some domestic assault cases require a defendant to be held in jail for 48 hours before a bond, if any, is set.

In a recent case, a young woman turned herself in to police for misdemeanor shoplifting. The woman had no criminal record to speak of and didn't even have traffic citations on her driving record, Sheldon said. There was little reason to believe the woman wouldn't show up to court, given that she had already cooperated with police.

"I released her on a written promise to appear," Sheldon said. "But if I release you on a written promise and you don't show up to court, you'd better hope you don't end up with me again, so help me."

She's quick to point out that each magistrate handles cases differently.

DOUG COZART HAS been a bail bondsman in Alamance County for 26 years.

In North Carolina, bail bondsmen are considered insurance agents and are overseen by the N.C. Department of Insurance. Their job is to ensure defendants get to court. They are licensed, private businessmen and businesswomen who put up money or property for defendants to post bail.

State law allows bail agents to charge up to 15 percent of the bail bond amount in exchange for their services.

Bail agents don't have to agree to post bail for a defendant. A case one agent might decline, another bail agent could agree to.

"It's almost like buying stock. You look at the risk factors (involved with a defendant)," Cozart said Thursday.

Multiple parties can also split a bond amount up, Cozart said. For instance, four people could put down money or property on a

If a defendant doesn't show up for their court date and aren't located within 150 days, bail agents are liable for the bond amount and must pay it. That gives them incentive to stay on top of cases.

There are misconceptions that bail agents are bounty hunters, Cozart said, because they have the authority to arrest defendants and bring them into court if they fail to appear. North Carolina doesn't allow bounty hunting, such as that portrayed on TV shows like "Dog the Bounty Hunter."

Cozart says he works closely with police to bring defendants into court if they don't show.

Cozart also believes bail agents are sometimes viewed as "no better than the people they represent," he said.

But he believes bail agents' role is important to the justice system. Defendants should be considered innocent until proven guilty, though the system treats them automatically as if they are guilty, Cozart said.

The N.C. Bail Agents Association, of which Cozart is a member and instructor for, cites statistics that show defendants released on bail bond are almost twice as likely to show up for court than those who are released on a written promise to appear or unsecured bond.

Cozart says there's also a misconception about bail bond amounts. While the public often pushes for large bond amounts, lower bond amounts are sometimes more effective at keeping defendants in prison.

Bail agents are less likely to put up credit on a \$200 bond because they can only charge up to 15 percent on it.

"It's almost not worth your time to go down there and get involved if you're only making \$15," Cozart said.

The economy — fewer jobs and more situations where money is tight — is also forcing bail agents to accept more credit on bail bonds.

To earn their state licenses, bail agents must complete a course and pass an examination. To keep their license, three hours of continuing education must be completed each year.

Cozart teaches some of those courses.

No easy out

As of Thursday, the following people were being held in the Alamance County Jail with a bond of \$500,000 or more. Many defendants charged with first-degree murder are often held under no bond by court order. This list does not include those held without bond. This list does not include all charges against a defendant. Listing is in alphabetical order.

Antonio Jamaal Arthur — \$800,000 — first-degree murder

Jing Jing Chen — \$500,000 — Obtaining property by false pretenses, identity theft

Walter Franklin Dickens — \$900,000 — two counts of solicitation to commit a felony

Shi Bin Dong — \$500,000 — obtaining property by false pretenses, identity theft

Jose Rafeal Gamez — \$750,000 — fugitive from justice

Marcus Rashad Isley — \$550,000 — two counts of robbery with a dangerous weapon, second-degree kidnapping, accessory before the fact to felony

Foyster Lawson IV — \$715,500 — first-degree murder, robbery with a dangerous weapon, assault with a deadly weapon

Derick Johnelle Miles — \$503,000 — first-degree rape, two counts first-degree sex offense, kidnapping

Jeffery Joe Page — \$660,000 — indecent liberties with children, five counts, statutory rape, first-degree sex offense victim under 13

Kelvin Lamont Slade — \$1 million — first-degree sexual offense victim under 13

Xavier Sheriff Slade — \$700,000 — first-degree rape, first-degree burglary, first-degree sex offense, kidnapping

Qizhu Sun — \$500,000 — obtaining property by false pretense, identity theft

Mark Toby — \$750,000 — assault with a deadly weapon with intent to kill inflict serious injury, assault with a deadly weapon inflict serious injury

Ronald Wayne Yarboro — \$500,000 — indecent liberties with a child

Source: Alamance County Detention Center log, Aug. 4

Go directly to bail

Alamance County's pre-trial release policy was last revised in 1995. It outlines the pre-trial release procedures magistrates follow and also suggests maximum bail bond amounts. Magistrates can set bail bond amounts higher or lower at their discretion.

\$300 — Class 3 misdemeanors, (ex: second-degree trespassing)

\$500 — Class 2 misdemeanors (ex: simple assault)

\$2,500 — Class 1 misdemeanors (ex: assault on a female, assault on school personnel)

\$10,000 — Class I felony (ex: financial card theft)

\$20,000 — Class H felony (ex: felony larceny, felony breaking and entering)

\$40,000 — Class E, F, G felonies (ex: assault with a deadly weapon with intent to kill, indecent liberties with a child, felony death by vehicle)

\$50,000 — Class C, D felonies (ex: second-degree rape, armed robbery, first-degree arson)

\$100,000 — Class B1, B2 felonies (ex: second-degree murder, first-degree rape)

Sources: Judicial District 15A Official Policies on Pretrial Release, N.C. General Statutes