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'... You lose some': Fackelman bond set at \$250,000

As he was serving time in prison for a 2008 conviction of multiple felonies, Charles Fackelman was awarded a new trial. On Wednesday, his attorney argued to win his client's temporary freedom.

But after a Monroe judge set bond at \$250,000 Mr. Fackelman, 51, wearing a striped jail uniform, walked past his supporters and shrugged. "You win some, you lose some," he said as he was led out of the courtroom by sheriff's deputies.

Mr. Fackelman, a Toledo resident, has served 3½ years so far after he was convicted of chasing down and pointing a gun at Randy Krell, who had been involved in a car chase that ended in an accident that killed Mr. Fackelman's 17-year-old son, Charlie, and severely injured another teen. The Michigan Supreme Court ruled last month that Mr. Fackelman should be allowed a new trial. On Wednesday before Circuit Judge Joseph A. Costello Jr., his attorney argued that Mr. Fackelman should be released until the new trial is scheduled.

John R. Minock of Ann Arbor asked for a \$25,000 bond. He told the judge that Mr. Fackelman is a changed person since that day when he drove to Bedford Township and chased Mr. Krell, who sought shelter at a neighbor's home. Mr. Fackelman kicked in the door of that neighbor's house where Tom Williams and his wife live and confronted both Mr. Williams and Mr. Krell with a gun.

"He's in a much different frame of mind," Mr. Minock said, adding that his client had no criminal history and was a responsible citizen before the incidents. "He's certainly no risk."

Judge Costello reminded him that the Williams couple was traumatized.

"Mr. and Mrs. Williams were victims, too," Judge Costello said. "It isn't just Mr. Krell."

To have Mr. Fackelman released, family and supporters would be required to raise \$250,000 in cash or property to ensure he keeps his court dates. If a bail bondsman is to be used, \$25,000 in non-refundable cash would have to be paid.

After the decision, Mr. Minock said he did not know if they can come up with that kind of money. He said in court that his client's wife, Janet, works in daycare and does not have a high income.

"The amount is high given the offense and given that there were no injuries," Mr. Minock said after the hearing. "I was hoping for less."

Mr. Krell, who in 2007 was sentenced to nine months in the county jail for his role in the Whiteford Township accident, attended the hearing Wednesday. He and special prosecutor Kenneth E. Simon hustled out of court and both declined comment. Mrs. Fackelman also chose not to comment.

Mr. Simon, who tried Mr. Fackelman and won convictions for home invasion and weapons assault, told Judge Costello that he is planning to take the case to the U.S. Supreme Court to have it overturn the Michigan Supreme Court's decision.

But a new trial must be planned in Monroe County. The judge and attorneys agreed to begin proceedings within the next four months. Unless bond is paid, Mr. Fackelman will return to minimum security at prison in Jackson.

[Back](#)