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IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
CLAY COUNTY, FLORIDA.

CASE NO.: 2021-519-CF

DIVISION: B

STATE OF FLORIDA

VS.

JONATHAN DAVIS

MOTION TO REDUCE BOND

Defendant, Jonathan Davis, by and through the undersigned attorney, the Public Defender for the Fourth Judicial Circuit of Florida, pursuant to Rule 3.131(d), Florida Rules of Criminal Procedure, and Article 1, Section 14 of the Florida Constitution, respectfully moves this Honorable Court to reduce the bond amount in the above-styled cause. As grounds therefore, Defendant states the following:

FACTS AND PROCEDURAL HISTORY

1. Defendant was arrested for leaving the scene of an accident involving death and attaching a tag unassigned.
2. Bond was set at \$75,003 and \$752.
3. Defendant has been adjudicated insolvent, and remains in custody unable to post bond in its current amount.
4. Defendant states that he has lived in Clay County for 23 years, has family in the community, and was self-employed prior to his arrest.

LAW

5. Rule 3.131(b)(1), Florida Rules of Criminal Procedure, establishes a presumption in favor of release on non-monetary conditions for any person who is granted pretrial release.
6. The purpose of bail is not to punish an accused nor to detain an accused in custody prior to disposition of the case. The purpose of bail, commensurate with the presumption of innocence, is to insure an accused's appearance in court. *Kelsey v. McMillan*, 560 So. 2d 1343 (Fla. 1st DCA 1990); *State ex rel Crabb v. Carson*, 189 So. 2d 376 (Fla. 1st DCA

- 1966); *Stack v. Boyle*, 342 U.S. 1, 72, S. Ct. 1 (1951); *Pugh v. Rainwater*, 572 F. 2d 1053 (5th Cir. 1978).
7. An accused has the right to an individualized review of his bail based on the facts and circumstances of his situation and alleged offenses. *Kelsey v. McMillan*, 560 So. 2d 1343 (Fla. 1st DCA 1990); *Rawls v. State*, 540 So. 2d 946 (Fla. 5th DCA 1989).
 8. If this Court decides to set a cash bond, then this Court should set the bond in an amount that the insolvent Defendant can possibly afford to post with the Court or with a surety. The setting of cash bail in an amount that the insolvent Defendant cannot possibly afford to meet is tantamount to no bail at all. *State ex rel Bardina v. Sandstrom*, 321 So. 2d 630 (Fla. 3rd DCA 1975); *State ex rel Crabb v. Carson*, 189 So. 2d 376 (Fla. 1st DCA 1966).
 9. Motions to modify or set bail for individuals who are in custody are deemed “essential proceedings” per Florida Supreme Court Administrative Order AOSC 20-15 and 20-23.

WHEREFORE, Defendant requests this Honorable Court to reduce the set bond in this case.

I HEREBY CERTIFY that a copy of the above and foregoing Motion to Reduce Bond has been furnished to the Office of the State Attorney, electronically, this 14th day of April, 2021.

Respectfully submitted,

CHARLIE COFER
PUBLIC DEFENDER

BY: *Andy Rippeon*
Andy Rippeon, #95063
Assistant Public Defender