

IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

Case No.

Defendant.
_____/

MOTION FOR BOND REDUCTION AND MODIFICATION OF
CONDITIONS OF RELEASE

COMES NOW, the Defendant, _____, by and through David Haenel undersigned attorney and pursuant to Fla. R. Crim. P. 3.131(d), moves this Court to reduce bond previously set herein to a reasonable amount, and as grounds therefore, would allege:
The Defendant was arrested for _____ on _____.

1. The Defendant, despite having no prior criminal record, was ordered released upon the posting of a _____ bond and ordered to have no unsupervised activities.

2. Since that time the Defendant has complied with each _____ and _____
every condition this Honorable Court required.

4. The conditions imposed by this court have caused the Defendant an extreme hardship as [XXX].

5. The conditions have taken a financial, mental and _____

physical toll on both the Defendant and his family.

6. The Defendant has been out of jail since [XXX], almost [XXX] days and has proven he is no threat to society whatsoever. There has been a significant change in the circumstances since this Honorable Court last addressed the bond in this case.

7. The Defendant's family had to borrow a substantial amount of money to post bond in this matter, and it is collecting interest daily. This is causing an extreme financial hardship on the Defendant's family.

6. The purpose of bail is neither to punish the Defendant nor to detain the Defendant in custody prior to disposition of the case. The purpose of bail, commensurate with the presumption of innocence, is to insure the Defendant's appearance in court. 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. Every person charged with a crime has an absolute right to a reasonable bail until a court adjudges that person guilty, unless the State has charged that person with a capital offense or an offense punishable by life imprisonment and the State demonstrates that the proof is evident or the presumption is great. Article 1, Section 14, Florida Constitution; State v. Arthur, 390 So.2d 716 (Fla. 1980).

8. The Defendant through his undersigned counsel

respectfully requests that this Court reduce the bond in this matter to a reasonable figure of \$[XXX] and allow the Defendant unsupervised activities. The Defendant is more than willing to comply with all other previously ordered conditions of his release.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. mail to the office of the State Attorney, Sarasota, 2071 Ringling Boulevard, Sarasota, FL 34237, on this January 26, 2010.

FINEBLOOM & HAENEL P.A.
200 N. Washington Boulevard
Sarasota, FL 34236
Telephone: 941-953-2622

David Haenel, Esq.
Attorney for Defendant
Florida Bar No. 494712