

**STATE OF NORTH CAROLINA
CUMBERLAND COUNTY**

File No(s).

IN THE GENERAL COURT OF JUSTICE

DISTRICT SUPERIOR COURT DIVISION

STATE VERSUS

Defendant

**WRITTEN FINDINGS
FOR SECURED BOND**

NOTE: Do not impose conditions of release on this form. Use form AOC-CR-200 and related forms to impose conditions of release. Use this form only to record the Court's findings supporting imposition of a secured bond and the defendant's ability to satisfy that condition. Do not use this form when imposing a written promise, custody release, or unsecured bond. Incorporate this form by reference on the related AOC-CR-200 as "SECR bond written findings".

FINDINGS

The undersigned judicial official finds for the reasons stated below that it is appropriate to impose a secured bond for the defendant's release in the above-captioned case and related cases, as imposed on the attached form AOC-CR-200.

- 1. Secured Bond Mandatory. A secured bond is required because:
 - a. The case is a fugitive proceeding under Chapter 15A, Article 37. G.S. 15A-736.
 - b. A secured bond is required by G.S. 15A-534(d1) pursuant to recommendation in an order for arrest or prior conditions imposed in this case(s).
 - c. Defendant is charged with a felony while on probation and the Court further finds that the defendant presents a danger to the public. G.S. 15A-534(d2)
 - d. The order listed below and entered previously in this proceeding directed the imposition of a secured bond:

Date of Order	Name of Entering Official	Title of Entering Official	Title/Description of Order

- e. Other: _____.
- 2. Secured Bond Imposed Pursuant to G.S. 15A-534(b). A secured bond is necessary, pursuant to the undersigned official's determination that a written promise to appear, custody release, or unsecured bond: (check all that apply)
 - a. Will not reasonably assure the appearance of the defendant as required;
 - b. Will pose a danger of injury to any person; and/or
 - c. Is likely to result in destruction of evidence, subornation of perjury or intimidation of potential witnesses.

Facts supporting by clear and convincing evidence, that determination includes: (NOTE: Give brief statements of facts supporting the Court's conclusions. Extensive findings are not required but should be sufficiently clear to evaluate in relation to the three risks listed above).

- 3. The undersigned further finds, based on all relevant and reliable evidence available concerning defendant's financial resources that:

NOTE: Check only one. See part III.K. of the Pretrial Release and Bond Policy for Judicial District 12 for guidance when determining defendant's financial status.

 - a. The defendant is presumptively indigent for one or more reasons listed on Side Two and therefore unable to satisfy any secured bond.
 - b. The defendant (check only one) is presumptively indigent for any of the reasons listed on Side Two, and has income or assets as follows: or is presumptively indigent, but that presumption is rebutted by evidence of defendant's income or assets, as follows: (Check all that apply.)
 - 1. Defendant's monthly income, which is greater than 200% of the poverty level, is \$ _____. Defendant is presumed able to pay a total secured bond in the amount of 2 percent of that monthly income, which is: (monthly income) x (0.02) = \$ _____.
 - 2. Defendant has liquid assets of at least \$3,000, in the amount of \$ _____. Defendant is able to pay a total secured bond of \$ _____ without unreasonable impairment of the defendant's ability to satisfy his/her other financial obligations.
 - 3. Defendant has ownership of real property with available equity in the amount of (A) \$ _____, of which defendant's ownership share is (B) _____%, for a value of (C) \$ _____ (A * B). Eighty percent (80%) of defendant's share \$ _____ (C * 0.80), is deemed available for the purpose of securing bond.
 - 4. Defendant has represented to a district or superior court judge that the defendant is able to satisfy a secured bond in the amount of \$ _____ without unreasonable impairment of his/her ability to satisfy his/her other financial obligations. (NOTE: Select this box only if the defendant makes an unsolicited offer to pay a certain amount.)
 - c. There is no available evidence of the defendant's financial resources from which the court can determine the defendant's ability to satisfy a secured bond in any amount. (NOTE: Proceed to No. 5.b.)

ORDER

Following the ability to pay assessment in No. 3, determine the secured bond amount based on the number and weight of the factors in Part III of this Policy that merited the imposition of a monetary bond as provided in Appendix A. Document the secured bond amount on the AOC-CR-200 form only if one of the options under No. 5 apply. If neither apply, do not enter the findings on this form and do not file the form with the clerk. Instead, impose conditions of release other than a secured bond.

4. Any relevant findings pursuant to 15A-534(c).
5. After comparing the defendant's ability to pay in No. 3 to the secure bond amount, the undersigned finds that: (check one)
- a. the defendant is able to satisfy the secured bond imposed.
- b. the defendant is unable to, or the court is unable to determine that the defendant is able to, satisfy the bond imposed, but a secured bond in that amount is nonetheless necessary, because (check one) it is mandated statutorily. the undersigned finds by clear and convincing evidence the following facts that no other condition or combination of conditions of release will satisfy compelling State interest(s) of the defendant's appearance, preventing injury to persons, or preventing destruction of evidence, subornation of perjury, or intimidation of potential witnesses: (NOTE: Give brief statements of the facts supporting the court's conclusion.)

Date	Name of Judicial Official	Signature of Judicial Official
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Magistrate District Court Judge Superior Court Judge Clerk of Court Deputy CSC Assistant CSC

PRESUMPTIVE INDIGENCY/ABILITY TO PAY

Any person who meets any of the following criteria shall be presumed unable to afford any amount of secured bond, unless rebutted by evidence of ability to pay, as laid out in number 3(b) on Side One of this form. (NOTE: See Part Section III.K. of the Pretrial Release and Bond Policy for Judicial District 12.

- Is eligible for appointment of counsel;
- Is, or within the past 6 months has been, homeless;
- Has income at or below 200% of the federal poverty guidelines (see table in III.K. of the Pretrial Release and Bond Policy);
- Is a full-time student;
- Has been incarcerated pursuant to an active sentence within the past 6 months;
- Is residing in a mental health or other treatment program, or has resided in such a program in the past 6 months; or
- Is or has dependents eligible to receive SNAP benefits (food stamps), Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, Social Security Disability Income, public housing, or any other federal or state public assistance program based on financial hardship.