In the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida

State of Florida

Case No.: 16-2021-CF-

v. Division: CR-H

,

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

Order Granting Defendant’s Motion [insert title of motion]

This cause came before this Court for hearing on \_\_\_\_\_\_\_\_\_\_\_, 2021 on Defendant’s Motion [insert title of motion]. The Court having [taken evidence,] heard argument of counsel, and being otherwise informed in the premises, grants Defendant’s Motion, finding as follows:

1. On \_\_\_\_\_\_\_\_\_, 2021, Defendant was arrested for \_\_\_\_. Bond was set at first appearance at $\_\_\_. [Alternatively: Defendant was by charged by information with \_\_\_\_\_\_\_\_\_\_. Bond is set at $\_\_\_\_\_\_ for \_\_\_\_\_\_\_\_\_\_\_.]
2. “The purpose of a bail determination in criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger from the criminal defendant.” Fla. Stat. § 903.046(1). Florida has a presumption for pre-trial release on non-monetary conditions. Fla. Stat. § 907.041(3)(a). However, monetary conditions may be imposed “if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to persons, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.” Fla. Stat. § 907.041(3)(a). “When determining . . . what bail or . . . conditions [of release] may be, the court shall consider:” (a) the nature of the offense; (b) the weight of the evidence; (c) the defendant's family and community ties, employment history, financial resources, and mental condition; (d) the defendant’s conduct, including past convictions, flight, and failure to appear; (e) the nature and probability of danger the defendant's release poses to the community; (f) the source of funds used to post bail; (g) whether the defendant is already on release, probation, or parole; (h) the street value of any drugs involved; (i) the nature and probability of intimidation and danger to victims; (j) whether there is probable cause to believe the defendant committed a new crime while on release; and (k) any other facts the court considers relevant. Fla. Stat. § 903.046(2). Additionally, “the court may consider” (l) the penalties for the charged crimes; and (m) the defendant’s need for substance abuse evaluation or treatment. Fla. R. Crim. P. 3.131.
3. At the hearing, Defendant presented the following evidence in support of his/her motion: \_\_\_\_\_\_\_\_\_\_\_\_\_. On the other hand, \_\_\_\_\_\_ supports denying Defendant’s Motion. The Court may also take judicial notice of court records. Fla. Stat. § 90.202(6). After considering the applicable factors, this Court determines that Defendant’s \_\_\_\_\_\_\_\_\_ justifies a monetary bail but that the the bail set at first appearance should be reduced. The Court finds that a monetary bail of $\_\_\_\_\_\_ is necessary to assure the presence of the defendant at trial and other proceedings[, to protect the community from risk of physical harm to persons, and to assure the integrity of the judicial process.]
4. Defendant’s Motion to [insert title of moton] is granted, and it isordered that:
   1. The bail on the count for \_\_\_\_\_\_\_\_\_\_ is reduced and set at $\_\_\_\_\_\_.
   2. The total monetary bail for all counts for which Defendant was arrested is thus $\_\_\_\_\_\_\_\_\_.
   3. All other non-monetary conditions of pretrial release, bail, or bond previously established by the \_\_\_\_\_\_\_, 2021 Order remain in place and unchanged.

Done and orderedon \_\_\_\_\_\_\_\_\_\_\_, 2021**,** in Jacksonville, Duval County, Florida.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Jeb T. Branham

Circuit Court Judge

Copies furnished to: