

WHAT IS A BOND: money or property given to a court by a criminal defendant's surety to guarantee that the defendant will duly appear in court in the future.

The History of the Bond

The bail bond system evolved from common laws in medieval England, because judges were only able to make the rounds in their jurisdictions sporadically. The accused would be waiting in jail for months before their trial dates while the judges made their circuit. The defendants, who were "innocent until proven guilty," were sometimes released before the trial date by the local sheriff, but only with a promise that they would return for trial. The defendant was usually released into the custody of a relative or friend (a surety), who would take responsibility for their return, under penalty of standing trial for the crime themselves. Eventually the courts started to accept a cash pledge rather than the putting the surety on trial. This led to a commercial surety system, and the "profession" of bail bondsmen.

Amendment VIII to the US Constitution: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Two Amendments to the Constitution Ensure Fair Treatment to Defendants

The American legal system is adapted from the English criminal system. Fair criminal proceedings were no small matter to the founders of our country. Both the 6th and 8th amendments to the US Constitution deal with fair trials, juries and criminal prosecutions. The Sixth Amendment to the Constitution states that all people under arrest must "be informed of the nature and cause of the accusation" they face and also gives a person the right to demand bail if he or she is accused of a bailable offense. The Judiciary Act of 1789 stated that all noncapital offenses (a crime that does not include the death penalty as a possible sentence) were bailable. In the case of capital crimes, setting bail was allowed at the judge's discretion. The act also placed limits on judges' powers in setting bail.

The Bail Reform Act

While the laws vary state to state, the US Congress passed a major Bail Reform Act in 1966, stating that "a defendant facing trial for a non-capital offense should be



released on his personal recognizance or on personal bond."

If the court had reason to believe the defendant would not show up for trial, the judge could limit the defendant's travel and demand an 'appearance bond.'

Today are four ways that a person may be released from custody.

Surety Bail

You can use a bondsman. Most agents charge a premium of 10 percent, but there may be some additional charges and you will not get that 10% back.

Cash Bail

You can post cash for the full amount of the bond with the court or jail. That money will be returned to you after the defendant makes all required court appearances. If the defendant gets arrested again while out on bail, the bond is forfeited. If the person does not show up in court, you will not see that money again.

Property Bond

You can use real property (such as a home or a lot) with the court. This means you offered the real value of your property to the court in exchange for the defendant's release. If the person does not show up in court, the court will legally seize the property.

Release on Own Personal Recognizance

Lastly, the judge can decide to let the defendant go on his or her own recognizance. Personal recognizance is usually only considered when the charge is a relatively minor, nonviolent crime and if the defendant is not considered a danger to anyone else and is not a "flight risk," meaning that it's highly unlikely that the person will flee and not appear for his or her court date.

Call Taylor Law Offices with your questions about bail bonds or any other criminal defense matter. We have the answers to help you make decisions.



208.342.3006
1112 W. Main St. Ste. 101
Boise, Idaho 83702

taylorlawoffices.com

FELONY: the most serious type of criminal offense, involving serious physical harm (or threat of harm) to victims, but they can also include offenses like fraud or tax evasion.

What is a Felony?

Felonies are serious offenses such as murder, rape, assault and battery, and arson. If you find yourself charged with a felony, legal representation is a must.

Felonies can also include animal cruelty, vehicular homicide, tax evasion, various forms of fraud, and the manufacture, sale, distribution, or possession with intent to distribute certain types and/or quantities of illegal drugs. Less common, but still felonies are vandalism on federal property, treason, violating parole, probation, or recognizance bond and threatening a court official (police officer, judge). Felonies can be characterized as either violent or nonviolent, with violent offenses including force or a threat of force against a person.

The main characteristic of a felony is that if you are found guilty, the sentence will be incarceration for at least one year. The term will be served in a prison facility rather than a county or local jail. Criminal fines and restitution may also be imposed, often in the amounts of thousands of dollars.

In the event you are charged with a felony, Taylor Law Offices will represent you during each phase of your case, especially pre-trial intervention:

- Arraignment – when you appear before the court to enter a plea of no contest, guilty or not guilty
- Discovery – when evidence against you is presented
- Entering a Plea – when you declare your guilt or innocence
- Release & Bail Reduction – when you petition for being released from jail or for having your amount of bail reduced
- Preliminary Hearings – when the court hears evidence to determine whether a jury case should take place

Have a Felony? It's Important to Act Now

Early intervention with even misdemeanor cases is important, but in felony cases it is even more critical so that there is adequate



Attorneys from Taylor Law are experienced in petitioning district attorneys to reduce certain felony charges to misdemeanors.

protection of your legal rights. Attorneys from Taylor Law are experienced in petitioning district attorneys to reduce certain felony charges to misdemeanors. We also can petition a court to reduce charges in the event a district attorney does not.

- Being denied Private Radio Licenses.
- Being denied other Federal Licenses.
- Being barred from holding federal offices.

Certain felony charges cannot be reduced. These felonies are typically the more serious ones, such as murder and rape. In the event you are charged with such a felony (often called a "straight" felony), your legal representation needs to make your case a priority and fight for you in court.

Consequences of a Felony Conviction

A felony conviction can result in severe and lasting consequences. In addition to time in prison and a fine, a felony conviction can make it difficult to find a job, a place to live or obtain certain government benefits. A federal felony conviction can lead to:

- Disbarment from doing business with the Government.
- Suspended voting rights and jury service.
- Losing the right to own firearms.
- Being barred from joining the armed forces.
- Being denied a Pilot's License.

At Taylor Law Offices, we take pride in the efforts we put in every day for the benefit of our clients. We care about you, and we care about your case.



208.342.3006
1112 W. Main St. Ste. 101
Boise, Idaho 83702

taylorlawoffices.com

5 = 10 1/4 inches

MISDEMEANOR: a criminal offense that is less serious than a felony and more serious than an infraction.

What Is a Misdemeanor?

In every state, crimes are categorized. Typically, the categories include felony (most serious) to infraction (least serious). Misdemeanors fall in between. Decisions on which crime meets the criteria for these classifications are made by a state's legislators. Misdemeanors carry sentences of less than one year.

Misdemeanors are less serious crimes. However, you still may need legal representation when handling your misdemeanor charge.

Some of the most common misdemeanors are:

- Underage drinking or possession of alcohol (also known as MIP)
- Possession of marijuana or drug paraphernalia (for personal use)
- Driving Under the Influence (DUI)
- Use of a false ID
- Giving false information to a police officer
- Petit Theft (shoplifting)

The Consequences of a Misdemeanor

Usually, when charged with a misdemeanor you are released and not taken to jail. But you will be given a court appearance date, which is called an arraignment. Don't make the mistake of thinking that, because you were not taken to jail, you have only been given a ticket. Missing a court date or getting a second misdemeanor before your arraignment can lead to serious legal ramifications.

The initial appearance is for the court to inform you of your rights, to inform you of the charges and the possible penalties, to find out if you want a lawyer, and to find



A defendant entering a plea of not guilty to a misdemeanor traffic citation charge may have a trial before a judge or jury.

out if you want to plead guilty or not guilty.

If you do not appear for your initial appearance (the date and time on your citation), you may be charged with an additional offense, commonly known as failure to appear (FTA). An FTA is another misdemeanor, punishable by up to six months in jail and/or a fine of up to \$300, plus court costs. If you are charged with an FTA, the court is likely to issue a warrant for your arrest.

Taylor Law Offices is committed to keeping your rights protected and your legal process as fair, simple and fast as possible. Contact us for a review of your misdemeanor charge and allow us to help you in your criminal defense.

Minors with a Misdemeanor Charge

If the defendant is under 18 years of age, he or she must have a parent or guardian with them at all court proceedings. The

case will proceed the same as an adult case. Defendants who are under 18, and who are found guilty and sentenced to serve time in jail, serve their time in a juvenile detention facility. Contact Taylor Law Offices if you have questions regarding a minor's misdemeanor charge.



208.342.3006
1112 W. Main St. Ste. 101
Boise, Idaho 83702

taylorlawoffices.com

4 = 9 1/2 inches tall

Citations & Infractions

In every state, crimes are put into categories that usually include felony (most serious), misdemeanor, and infraction or citation (least serious). Traffic offenses are the most common form of infraction. Infractions (sometimes called citations or violations) are petty offenses, punishable by fines.

Because infractions don't trigger sentences or probation, defendants charged with infractions do not have a right to a jury trial. Defendants who have been charged with infractions or citations can hire their own attorney, but the government does not have a constitutional duty to appoint an attorney for defendants charged with infractions.

Types of Traffic Citations

Traffic citations are classed two ways: major and minor. Minor traffic citations include parking violations and some driving violations. These citations are not held against a driver's record, although you may be detained for violations that go unpaid. The following citations can often include a traffic school penalty:

- Speeding
- Running a red light or a stop sign
- Failure to follow the right-of-way or failure to provide way for a vehicle in the right lane
- Failure to signal when changing lanes or making a turn
- Failure to drive within a specified lane, or driving in between two lanes
- Driving over a median or center divider
- Driving illegally on the shoulder
- Seat belt violations

Moving violations typically cause your insurance rates to go up and if ignored—or worse, if you are a repeat offender—can land you in jail with a suspended driver's license.

- Running over a pedestrian lane when stopping is required. Not giving way for a crosswalk
- Driving past a school bus when passengers are loading or unloading

Idaho assigns each minor moving violation anything from one to four points, depending on the seriousness of the violation. Points are maintained for three (3) years after the conviction date.

Example of a Citation or Infraction

You get caught speeding and are given a ticket by a law enforcement officer. You testify in court, and the judge concludes you were speeding, so you lose the case. Your punishment would be the original fine and, depending on the state, the addition of a point to your driving record. After a set number of points, your car insurance can increase and you can even lose your license.

How an Attorney Can Help When You Get a Citation

Taylor Law Offices is an experienced Boise-

based law firm you can rely on if you are having trouble navigating the court system. Our attorneys can also help in the event you have missed payment on your fines. In this event, it's always best to contact Taylor Law Offices sooner than later.



208.342.3006
1112 W. Main St. Ste. 101
Boise, Idaho 83702

taylorlawoffices.com

3 = 8 3/4 inches tall