

**STATE OF NORTH CAROLINA  
25A JUDICIAL DISTRICT  
BURKE AND CALDWELL COUNTIES**

**IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION**

**ORDER ADOPTING  
RECOMMENDED BOND POLICY**

The undersigned Senior Resident Superior Court Judge of Judicial District Twenty-Five A and the Chief District Court Judge of Judicial District Twenty-Five, embracing the named above counties having consulted and formulated the additional recommended policies for pretrial release in accordance with G.S. 15A-535, **IT IS HEREBY ORDERED** that the following policies be used in conjunction with the law as set forth in Article 26 of the Criminal Procedure Act to determine whether and upon what conditions a defendant may be released before trial in the Twenty-Five A Judicial District.

These policies are ordered applicable to magistrates and all other judicial officials holding office or presiding in this District, unless otherwise provided by law.

**IT IS FURTHER ORDERED** that copies of these policies be distributed by the Clerk of each Superior Court to all judicial officials in this District, to the Sheriffs of Burke and Caldwell Counties, the troop Commander for the local State Highway Patrol, and each Chief of Police for each municipality within this District, and published on websites established for the Courts; and that the Clerk of Superior Court in each county shall file a copy in each office.

This the 13<sup>th</sup> day of December 2004.

*S/Beverly T. Beal*

\_\_\_\_\_  
**BEVERLY T. BEAL**

Senior Resident Superior Court Judge

*S/Robert M. Brady*

\_\_\_\_\_  
**ROBERT M. BRADY**

Chief District Court Judge

## **RECOMMENDED BAIL POLICY**

N.C.G.S. Chapter 15A, Article 26 defines and sets forth guidelines to reasonably assure a Defendant's appearance in court and vests the decision as to form of release and amount of bond in the judicial officer who may know the most or can most readily learn the most about a Defendant. A careful reading and knowledge of these statutes is necessary to administer the law equally and effectively.

It is recognized that the General Statutes require a release decision related explicitly to all factors found to be relevant to the accused's roots in the community, and the circumstances of each individual case will govern each decision. However, the following recommendations are to be considered by magistrates and other judicial officials for bonds for this District.

Generally, unsecured bonds have a history of being uncollectible bonds. Court and Sheriff's officials are required to exert much effort in attempting to collect them. To ease that burden, we recommend the use of a written promise to appear, a custody release to a designated person or organization, a secured bond or a cash bond.

### **Misdemeanors:**

#### **A. IMPAIRED DRIVING OFFENSES**

See the specific requirements of G.S. 15A-534.2. (See attached.)

#### **B. STRUCTURED SENTENCING MISDEMEANORS for which G.S. 15A-534(a)(b)(c) and (g) provide guidance, and for which the judicial official determines a secured bond is require:**

1. Class A1           \$700
2. Class 1           \$500
3. Class 2           \$300
4. Class 3           \$200

#### **C. ADDITIONAL CONDITIONS FOR SPECIFIC MISDEMEANORS:**

1. See 15A-534.1 for other conditions in Domestic Violence cases. (See attached.)
2. See 15A-534.3 regarding investigation by public health officials for Communicable Diseases. (See attached.)
3. See 15A-534.4 for certain conditions in sex offenses and crimes of violence against child victims. (See attached.)

**Felonies**

Structures Sentencing Classes:

A: **NO BOND**

B-1: \$100,000

B-2: \$100,000

C: \$100,000

D: \$ 75,000

E: \$ 50,000

F: \$ 25,000

G: \$ 20,000

H: \$ 10,000

I: \$ 3,000

Other factors to be considered are other untried pending cases against a Defendant and whether a defendant possessed a firearm at the time of alleged offense.

This the 13<sup>th</sup> day of December 2004.

*S/Beverly T. Beal*

**BEVERLY T. BEAL**

Senior Resident Superior Court Judge

*S/Robert M. Brady*

**ROBERT M. BRADY**

Chief District Court Judge