

Reversed and Remanded and Memorandum Opinion filed May 22, 2020.



In The

Fourteenth Court of Appeals

**NO. 14-19-00661-CR
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NO. 14-19-00663-CR**

EX PARTE JAMIN STOCKER

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause Nos. 1643380, 1643381 and 1643382**

MEMORANDUM OPINION

On August 1, 2019, appellant Jamin Stocker filed a pretrial petition for writ of habeas corpus seeking a reduction in bond or to be released on personal recognizance. The petition was filed in the following three cases:

- Trial court cause number 1643380 (formerly 1562639), assigned appeal number 14-19-00661-CR, in which applicant was charged with the murder of Charlotte Walker “on or about March 29, 2016”;
- Trial court cause number 1643381 (formerly 1585987), assigned appeal number 14-19-00662-CR, in which applicant was charged with

the capital murder of Brent Tapp “on or about November 7, 2017”; and

- Trial court cause number 1643382 (formerly 1562639), assigned appeal number 14-19-00663-CR, in which applicant was charged with aggravated assault with a deadly weapon of Brent Tapp “on or about August 21, 2017”.

A hearing was held on August 16, 2019, and relief was denied.¹ The records of all three cases reflect that in each case bond was set at \$500,000. Notice of appeal was timely filed in all three cases. Appellant filed a single brief for all three cases, raising a single issue as to whether the trial court abused its discretion by failing to order appellant’s release on a personal recognizance bond or reducing the bond to an affordable amount.

To support his argument that he should be released on a personal recognizance bond, appellant relies upon article 17.151 of the Texas Code of Criminal Procedure, which provides, in pertinent part:

Sec. 1. A defendant who is detained in jail pending trial of an accusation against him must be released either on personal bond or by reducing the amount of bail required, if the state is not ready for trial of the criminal action for which he is being detained within:

(1)90 days from the commencement of his detention if he is accused of a felony.

Tex. Code Crim. Proc. art. 17.151. Although it was undisputed at the hearing that appellant had been detained more than 90 days, the State announced that it had been ready within the allotted time. *See Ex parte Jones*, 803 S.W.2d 712, 717 (Tex. Crim. App.1991)(holding the State may meet its burden to make a prima facie showing that it was ready for trial within the applicable time period either by

¹ At that hearing, appellant contended an earlier hearing had been held on May 9, 2019. However, the docket sheets attached to appellant’s brief reflects that on May 9, 2019, the hearing was reset by agreement of both parties.

announcing within the allotted time that it is ready, or by announcing retrospectively that it had been ready within the allotted time); *see also Ex parte Ragston*, 422 S.W.3d 904, 906–07 (Tex. App.—Houston [14th Dist.] 2014, no pet.)(same); *Ex parte Brosky*, 863 S.W.2d 775, 778 (Tex. App.—Fort Worth 1993, no pet.) (same). There was no evidence to the contrary. Accordingly, the trial court did not abuse its discretion by refusing to release appellant on a personal bond, or to reduce bond, pursuant to article 17.151.

Appellant also claims the bail amount is excessive and seeks a reduction in bond to \$20,000 in each case, for a total amount of \$60,000. The State does not address this argument. The record before this court does not contain evidence that supports the amount of appellant’s bail as determined by the trial court, nor does it support a reduction to the amount requested by appellant.

Accordingly, we sustain appellant’s issue and reverse and remand each of these cases to the trial court to allow the parties an opportunity to present any additional evidence or argument that the trial court deems appropriate to assist it in determining reasonable bail and release conditions, if any. *See* Tex. Code Crim. Proc. Art. 1.07 (“All prisoners shall be bailable unless for capital offenses when the proof is evident.”).

/s/ Frances Bourliot
Justice

Panel consists of Justice Bourliot, Hassan, and Poissant.

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