

Faulk, Camilla

From: Mike Rosen [miker2001@msn.com]
Sent: Thursday, January 28, 2010 2:07 PM
To: Faulk, Camilla
Subject: Removal of bail forfeitures

I have found in my nearly 30 years of working in the district and municipal courts, that this option is judiciously utilized. It is not used too often any more for anything considered serious.

By getting rid of this option, the number of cases will jump tremendously. a person charged with illegal clamming will get appointed counsel, rather than simply bail forfeit. I would think that leaving this option alone, with our strapped government finances might be a good idea. Do you really think that clogging the system with the charges that are often bail forfeited is really a good idea?

I dont see DUIs, and serious charges bail forfeited. I see chippy charges bail forfeited. I had one client bail forfeit this last year. it was for a failure to stop for an officer. He could have been charged also with the similar infraction, for essentially the same conduct. It avoided a silly trial for both the prosecutor and defense, put something on my client's driving record, yet avoided probation for my client. We did it very late in the case, but it was a good and fair result for everyone.

I helped someone else out pro bono. He had a number of fishing type violations. He is married, has several children in the household, a government job, is in debt, and was illegally fishing out of this county. I arranged for a reduced number of charges, and he bail forfeited. It avoided a lot of work for everyone, to allow him to bail forfeit.

These are the types of cases that are bailforfeited. The prosecutor was involved in both of them. again, this option is judiciously and carefully used but losing this option will only cost everyone more money and time, and quite frankly, the cases will still get resolved, but at greater cost to everyone.

I had a guy charged with NEg. 1 this year. he was a Canadian resident. he had to return to this state at great expense, and the court entered a conviction and once he paid the fine, the case was closed. the prosecutor wanted a conviction and would not agree to a bail forfeiture, even though he had completed all the conditions they had requested. so it is not being abused.

Mike Rosen