

Jones v. State

Under Article 17.151 of the Code of Criminal Procedure, if the State is not ready to proceed to trial within 90 days, a defendant for whom bond has been set, but has been unable to post the bond amount, is entitled to either be released on a personal bond or have their bond reduced to an amount which will allow them to remain free on bond until trial. The defendant was indicted for murder and his bond was set at \$550,000. After several months, he brought a habeas motion to compel his release under Article 17.151. The court held that the State had failed to establish that it had been ready to proceed to trial and lowered the bond to \$150,000, an amount the defendant was still unable to pay. The defendant appealed, claiming that the text of the statute required bond to be set at an affordable amount and the state cross-appealed, claiming that the statute impermissibly interfered with prosecutorial discretion.

The Court of Criminal Appeals upheld the constitutionality of the statute. While stating that it had never held that there existed a constitutional right to affordable bail, the court recognized that in this area, the Legislature had exercised its authority to provide protection against the lengthy detention of persons who have been accused but not yet provided a trial. The Court went on to conclude that the State's bare statement that it was ready to proceed was insufficient to establish prima facie that the prosecution was ready for trial where there was clear evidence that a key witness was unavailable.