

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:
	: <b>CRIMINAL DIVISION</b>
<b>vs.</b>	:
	:
<b>DAVON GRISSOM,</b>	: <b>No. CR-376-2012</b>
<b>Defendant</b>	:

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of April 2012, this order is entered after a hearing held on April 16, 2012 regarding Defendant's Motion to Modify Bail filed on March 20, 2012.

This Court is vested with the authority to modify a defendant's bail pursuant to *Pennsylvania Rules of Criminal Procedure* Rule 529. When determining whether to modify a defendant's bail the Court must comply with *Pennsylvania Rules of Criminal Procedure* Rule 523 which directs the Court to consider:

...all available information as that information is relevant to the defendant's appearance or nonappearance at subsequent proceedings, or compliance or noncompliance with the conditions of the bail bond, including information about:

- (1) the nature of the offense charged and any mitigating or aggravating factors that may bear upon the likelihood of conviction and possible penalty;
- (2) the defendant's employment status and history, and financial condition;
- (3) the nature of the defendant's family relationships;
- (4) the length and nature of the defendant's residence in the community, and any past residences;
- (5) the defendant's age, character, reputation, mental condition, and whether addicted to alcohol or drugs;
- (6) if the defendant has previously been released on bail, whether he or

she appeared as required and complied with the conditions of the bail bond;

- (7) whether the defendant has any record of flight to avoid arrest or prosecution, or of escape or attempted escape;
- (8) the defendant's prior criminal record;
- (9) any use of false identification; and
- (10) any other factors relevant to whether the defendant will appear as required and comply with the conditions of the bail bond.

In this case the Defendant is charged with multiple counts of felony robbery; felony conspiracy; misdemeanor simple assault; and misdemeanor terroristic threats involving a home invasion robbery. The defense argued that the case is highly circumstantial and that the Defendant was not identified by the eye witness. The Commonwealth acknowledged that there is a lot of circumstantial evidence but countered by arguing that it is strong circumstantial evidence. Other factors to take into consideration are: the Defendant owns no real property in Lycoming County his only asset is a truck valued at approximately \$2,000; he does not currently have a drug problem but had past drug involvement; he has not held gainful employment in at least a year; if released he will reside with his Grandmother; he has extensive family in the area; and he has an extensive criminal record that includes but is not limited to fleeing and alluding, aggravated assault, burglary, and simple assault. Additionally, the Defendant testified to the fact that when he was on parole he had parole violations for failure to appear.

The defense argued that the Defendant is not a flight risk because he has no where else to go and that the current \$200,000 bail amount should be reduced.

In conjunction with the enumerate factors, the Court must also consider whether the Defendant is likely to pose a danger to the safety of any person or to the community. Given the seriousness of the charges and all of the other contributing factors the Court finds that the current bail amount of \$200,000 is appropriate.

Wherefore, Defendant's Motion to Modify Bail is hereby **DENIED**.

By The Court,

Joy Reynolds McCoy, Judge