

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CR-2186-2013
	:	CR-14-2014
v.	:	CR-1226-2014
	:	CR-1868-2014
DAVID CHARLES BEAN,	:	
Defendant	:	CRIMINAL DIVISION

OPINION AND ORDER

On August 21, 2015, the Defendant filed a “Motion to Release on Nominal Bail or, in the Alternative, for Modification of Bail.” The Defendant argues that he has been held in pretrial incarceration for more than 180 days of non-excludable time and is eligible for nominal bail under Pa. R. Crim. P. 600. A hearing on the motion was held on September 14, 2015.

I. Background

A. Case History of CR-2186-2013

The criminal complaint was filed on December 27, 2013. On January 10, 2014, the Commonwealth filed a motion to consolidate the case with the case of another defendant. A hearing on the motion was scheduled for January 23, 2014. On January 13, 2014, the case was scheduled for a status conference on March 7, 2014. On March 27, 2014, the Court granted the Commonwealth’s motion to consolidate. On February 3, 2014, Public Defender #1 filed a motion to withdraw on the ground that the Defendant had told counsel that he was fired. On February 10, 2015, after a hearing, the Court granted Public Defender #1’s motion to withdraw.

On February 24, 2014, Conflict Counsel #1 was appointed. On March 7, 2014, status conference was continued to April 25, 2014. On April 24, 2014, Conflict Counsel #1’s request to continue the case to the next status date was granted by an order that said, “This request includes excludable time against the Defendant from April 25, 2014 to August 15, 2014.” Order

filed on April 24, 2014. The case was scheduled for a status conference on August 15, 2014. On June 20, 2014, the case was scheduled for pretrial on August 12, 2014. On July 31, 2014, Conflict Counsel #1 filed a motion to withdraw as counsel on the ground that the Defendant's hostility and threats had caused an irretrievable breakdown in the attorney-client relationship. A hearing on the motion was scheduled for September 2, 2014. On August 11, 2014, the Commonwealth filed a motion to consolidate and a hearing was scheduled for September 26, 2014. On August 15, 2014, the Court granted Conflict Counsel #1's request for a continuance due to the pending motion to withdraw. The order granting the continuance said, "This request includes excludable time against the Defendant from August 12 to November 14, end of term." Order filed on August 15, 2014. The case was scheduled for pretrial on September 23, 2014.

On September 25, 2014, the Court granted Conflict Counsel #1's motion to withdraw and directed the Public Defender's Office to represent the Defendant. The Court wrote that the Defendant risks forfeiture of counsel "should he continue with such misconduct, including but not limited to threats, personal insults, refusal to cooperate, demands that counsel execute his wishes contrary to professional judgment, and writing derogatory and inflammatory letters to counsel." Order filed on September 25, 2014. Argument on the Commonwealth's motion to consolidate was held on September 26, 2014. On September 30, 2014, the Commonwealth withdrew the motion to consolidate. On October 7, 2014, Public Defender #2's application for a continuance was granted to give counsel more time to prepare for trial. On December 5, 2014, the Commonwealth filed notice that the case would be tried with CR-1868-2014. On December 8, 2014, the case was joined with CR-1868-2014. See Opinion and Order filed on April 9, 2015. On December 29, 2014, Public Defender #3's request for a continuance was granted by an order

that said, “This request includes excludable time against the Defendant from December 16, 2014 to May 1, 2015, end of term.” Order filed on December 29, 2014.

On January 8, 2015, Public Defender #3 filed an omnibus pre-trial motion, which included a suppression motion, a motion for severance, and a motion for change of venue/venire. A hearing on the omnibus motion was scheduled for January 23, 2015. On January 23, 2015, the Commonwealth’s unopposed request to continue the hearing was granted, and the hearing was rescheduled for March 9, 2015. On February 6, 2015, the defense’s request for a continuance was granted, and the case was scheduled for pretrial on May 5, 2015. On March 9, 2015, Public Defender #3 filed a “Motion to Suppress Evidence Found Utilizing Search Warrant Dated March 3, 2015.” A hearing on the omnibus motion and the suppression motion was held on March 9, 2015. On March 25, 2015, the Court denied the suppression motion of March 9, 2015 and determined that the suppression motion of January 8, 2015 was moot. The Court said that it would decide the motion for severance in a separate opinion. The Court also said that a decision on the motion for change of venue/venire should be deferred until jury selection. On April 9, 2015, the Court denied the motion for severance.

On or about May 14, 2015, the Defendant submitted a request to the Court to arguably proceed *pro se*. A hearing on the request was scheduled for June 30, 2015. On May 19, 2015, the Court concluded that a conflict existed and appointed Conflict Counsel #2 to represent the Defendant. The Court also granted the Defendant’s request for a continuance and scheduled the case for status conference on July 17, 2015, pretrial on August 4, 2015, and call of the list on October 6, 2015. The Court determined that “for Rule 600 purposes, this time shall run against the defendant.” Order filed on May 27, 2015. On May 20, 2015, the hearing on the arguable

request to proceed *pro se* was cancelled because the Defendant indicated that he did not want to represent himself.

On June 8, 2015, Conflict Counsel #2 filed a motion to withdraw from the case on the ground that the attorney-client relationship had been irreparably damaged because the Defendant had been irate, abusive, and vulgar. A hearing on the motion to withdraw was scheduled for and held on July 6, 2015. The hearing addressed whether Conflict Counsel #2 would be permitted to withdraw and whether the Defendant forfeited his right to counsel. On July 6, 2015, the Court granted Conflict Counsel #2's motion to withdraw. The Court also stayed the case until it made a determination as to whether the Defendant forfeited his right to counsel. In an order filed on July 15, 2015, the Court decided not to take away counsel but wrote that it had "no doubt that the defendant's conduct would justify the forfeiture of counsel." The Court also determined "for Rule 600 purposes, from May 19, 2015 through the date of jury selection shall run against the defendant." Order filed on July 15, 2015. On July 22, 2015, the Court appointed current counsel. On August 21, 2015, current counsel filed the present motion.

B. Case History of CR-14-2014

The criminal complaint was filed on January 6, 2014. On January 16, 2014, the case was scheduled for a status conference on March 7, 2014. On February 3, 2014, Public Defender #1 filed a motion to withdraw on the ground that the Defendant had told counsel that he was fired. On February 10, 2015, after a hearing, the Court granted Public Defender #1's motion to withdraw.

On February 24, 2014, Conflict Counsel #1 was appointed. On March 7, 2014, status conference was continued to April 25, 2014. On April 24, 2014, Conflict Counsel #1's request to continue the case to the next status date was granted by an order that said, "This request

includes excludable time against the Defendant from April 25, 2014 to August 15, 2014.” Order filed on April 24, 2014. The case was scheduled for a status conference on August 15, 2014. On June 20, 2014, the case was scheduled for pretrial on August 12, 2014. On July 31, 2014, Conflict Counsel #1 filed a motion to withdraw as counsel on the ground that the Defendant’s hostility and threats had caused an irretrievable breakdown in the attorney-client relationship. A hearing on the motion was scheduled for September 2, 2014. On August 11, 2014, the Commonwealth filed a motion to consolidate and a hearing was scheduled for September 26, 2014. On August 15, 2014, the Court granted Conflict Counsel #1’s request for a continuance due to the pending motion to withdraw. The order granting the continuance said, “This request includes excludable time against the Defendant from August 12 to November 14, end of term.” Order filed on August 15, 2014. The case was scheduled for pretrial on September 23, 2014.

On September 25, 2014, the Court granted Conflict Counsel #1’s motion to withdraw and directed the Public Defender’s Office to represent the Defendant. The Court wrote that the Defendant risks forfeiture of counsel “should he continue with such misconduct, including but not limited to threats, personal insults, refusal to cooperate, demands that counsel execute his wishes contrary to professional judgment, and writing derogatory and inflammatory letters to counsel.” Order filed on September 25, 2014. Argument on the Commonwealth’s motion to consolidate was held on September 26, 2014. On September 30, 2014, the Commonwealth withdrew the motion to consolidate. On October 7, 2014, Public Defender #2’s application for a continuance was granted to give counsel more time to prepare for trial. On December 29, 2014, Public Defender #3’s request for a continuance was granted by an order that said, “This request includes excludable time against the Defendant from December 16, 2014 to May 1, 2015, end of

term.” Order filed on December 29, 2014. On February 6, 2015, the defense’s request for a continuance was granted, and the case was scheduled for pretrial on May 5, 2015.

On or about May 14, 2015, the Defendant submitted a request to the Court to arguably proceed *pro se*. A hearing on the request was scheduled for June 30, 2015. On May 19, 2015, the Court concluded that a conflict existed and appointed Conflict Counsel #2 to represent the Defendant. The Court also granted the Defendant’s request for a continuance and scheduled the case for status conference on July 17, 2015, pretrial on August 4, 2015, and call of the list on October 6, 2015. The Court determined that “for Rule 600 purposes, this time shall run against the defendant.” Order filed on May 27, 2015. On May 20, 2015, the hearing on the arguable request to proceed *pro se* was cancelled because the Defendant indicated that he did not want to represent himself.

On June 8, 2015, Conflict Counsel #2 filed a motion to withdraw from the case on the ground that the attorney-client relationship had been irreparably damaged because the Defendant had been irate, abusive, and vulgar. A hearing on the motion to withdraw was scheduled for and held on July 6, 2015. The hearing addressed whether Conflict Counsel #2 would be permitted to withdraw and whether the Defendant forfeited his right to counsel. On July 6, 2015, the Court granted Conflict Counsel #2’s motion to withdraw. The Court also stayed the case until it made a determination as to whether the Defendant forfeited his right to counsel. In an order filed on July 15, 2015, the Court decided not to take away counsel but wrote that it had “no doubt that the defendant’s conduct would justify the forfeiture of counsel.” The Court also determined “for Rule 600 purposes, from May 19, 2015 through the date of jury selection shall run against the defendant.” Order filed on July 15, 2015. On July 22, 2015, the Court appointed current counsel. On August 21, 2015, current counsel filed the present motion.

C. Case History of CR-1226-2014

The criminal complaint was filed on July 29, 2014. On August 11, 2014, Conflict Counsel #1 was appointed, and arraignment was scheduled for August 25, 2014. Conflict Counsel #1 was the same counsel who filed a July 31, 2014 motion to withdraw in CR-14-2014 and CR-2186-2013. On August 25, 2014, the arraignment was continued at the Court's direction to September 2, 2014. The Court also notified the Defendant that, on September 2, 2014, it would be hearing "defendant's motion for substitute counsel, and the Commonwealth's motion to declare that the defendant forfeited his right to counsel." Order filed on August 28, 2014.

On September 25, 2014, the Court appointed Public Defender #1 to represent the Defendant. On December 29, 2014, Public Defender #2's request for a continuance was granted by an order that said, "This request includes excludable time against the Defendant from December 16, 2014 to May 1, 2015, end of term." Order filed on December 29, 2014. On February 6, 2015, the defense's request for a continuance was granted, and the case was scheduled for pretrial on May 5, 2015. On March 9, 2015, Public Defender #2 filed a "Motion to Suppress Evidence Found Utilizing Search Warrant Dated March 3, 2015." A hearing on the suppression motion was held on March 9, 2015. On March 25, 2015, the Court denied the suppression motion.

On or about May 14, 2015, the Defendant submitted a request to the Court to arguably proceed *pro se*. A hearing on the request was scheduled for June 30, 2015. On May 19, 2015, the Court concluded that a conflict existed and appointed Conflict Counsel #2 to represent the Defendant. The Court also granted the Defendant's request for a continuance and scheduled the case for status conference on July 17, 2015, pretrial on August 4, 2015, and call of the list on October 6, 2015. The Court determined that "for Rule 600 purposes, this time shall run against

the defendant.” Order filed on May 27, 2015. On May 20, 2015, the hearing on the arguable request to proceed *pro se* was cancelled because the Defendant indicated that he did not want to represent himself.

On June 8, 2015, Conflict Counsel #2 filed a motion to withdraw from the case on the ground that the attorney-client relationship had been irreparably damaged because the Defendant had been irate, abusive, and vulgar. A hearing on the motion to withdraw was scheduled for and held on July 6, 2015. The hearing addressed whether Conflict Counsel #2 would be permitted to withdraw and whether the Defendant forfeited his right to counsel. On July 6, 2015, the Court granted Conflict Counsel #2’s motion to withdraw. The Court also stayed the case until it made a determination as to whether the Defendant forfeited his right to counsel. In an order filed on July 15, 2015, the Court decided not to take away counsel but wrote that it had “no doubt that the defendant’s conduct would justify the forfeiture of counsel.” The Court also determined “for Rule 600 purposes, from May 19, 2015 through the date of jury selection shall run against the defendant.” Order filed on July 15, 2015. On July 22, 2015, the Court appointed current counsel. On August 21, 2015, current counsel filed the present motion.

D. Case History of CR-1868-2014

The criminal complaint was filed on November 24, 2014. On December 3, 2014, the Defendant waived arraignment, and a status conference was scheduled for February 6, 2015. On December 5, 2014, the Commonwealth filed notice that the case would be tried with CR-2186-2013. On December 8, 2014, the case was joined with CR-2186-2013. See Opinion and Order filed on April 9, 2015. On December 29, 2014, Public Defender’s request for a continuance was granted by an order that said, “This request includes excludable time against the Defendant from

December 16, 2014 to May 1, 2015, end of term.” Order filed on December 29, 2014. The order also scheduled the case for pretrial on March 17, 2015.

On January 8, 2015, Public Defender filed an omnibus pre-trial motion, which included a suppression motion, a motion for severance, and a motion for change of venue/venire. A hearing on the omnibus motion was scheduled for January 23, 2015. On January 23, 2015, the Commonwealth’s unopposed request to continue the hearing was granted, and the hearing was rescheduled for March 9, 2015. On February 6, 2015, the defense’s request for a continuance was granted, and the case was scheduled for a status conference on April 17, 2015 and pretrial on May 5, 2015. On March 9, 2015, Public Defender filed a “Motion to Suppress Evidence Found Utilizing Search Warrant Dated March 3, 2015.” A hearing on the omnibus motion and the suppression motion was held on March 9, 2015. On March 25, 2015, the Court denied the suppression motion of March 9, 2015 and determined that the suppression motion of January 8, 2015 was moot. The Court said that it would decide the motion for severance in a separate opinion. The Court also said that a decision on the motion for change of venue/venire should be deferred until jury selection. On April 9, 2015, the Court denied the motion for severance.

On or about May 14, 2015, the Defendant submitted a request to the Court to arguably proceed *pro se*. A hearing on the request was scheduled for June 30, 2015. On May 19, 2015, the Court concluded that a conflict existed and appointed Conflict Counsel to represent the Defendant. On May 20, 2015, the hearing on the arguable request to proceed *pro se* was cancelled because the Defendant indicated that he did not want to represent himself. On June 8, 2015, Conflict Counsel filed a motion to withdraw from the case on the ground that the attorney-client relationship had been irreparably damaged because the Defendant had been irate, abusive, and vulgar. A hearing on the motion to withdraw was scheduled for and held on July 6, 2015.

The hearing addressed whether Conflict Counsel would be permitted to withdraw and whether the Defendant forfeited his right to counsel. On July 6, 2015, the Court granted Conflict Counsel's motion to withdraw. The Court also stayed the case until it made a determination as to whether the Defendant forfeited his right to counsel. In an order filed on July 15, 2015, the Court decided not to take away counsel but wrote that it had "no doubt that the defendant's conduct would justify the forfeiture of counsel." The Court also determined "for Rule 600 purposes, from May 19, 2015 through the date of jury selection shall run against the defendant." Order filed on July 15, 2015. On July 22, 2015, the Court appointed current counsel. On August 21, 2015, current counsel filed the present motion.

II. Discussion

A. Rule 600

"Except in cases in which the defendant is not entitled to release on bail as provided by law, no defendant shall be held in pretrial incarceration in excess of 180 days from the date on which the complaint is filed." Pa. R. Crim. P. 600(B)(1). "For purposes of paragraph (B), only periods of delay caused by the defendant shall be excluded from the computation of the length of time of any pretrial incarceration. Any other periods of delay shall be included in the computation." Pa. R. Crim. P. 600(C)(2). "When a judge or issuing authority grants or denies a continuance the judge . . . shall record to which party the period of delay caused by the continuance shall be attributed, and whether the time will be included in or excluded from the computation of the time within which trial must commence in accordance with this rule." Pa. R. Crim. P. 600(C)(3)(a)(ii). "Except in cases in which the defendant is not entitled to release on bail as provided by law, when a defendant is held in pretrial incarceration beyond the time set forth in paragraph (B), at any time before trial, the defendant's attorney, or the defendant if

unrepresented, may file a written motion requesting that the defendant be released immediately on nominal bail subject to any nonmonetary conditions of bail imposed by the court as permitted by law.” Pa. R. Crim. P. 600(D)(2). “Any requests for review of the determination in paragraph (C)(3) shall be raised in a motion or answer filed pursuant to paragraph (D)(1) or paragraph (D)(2).” Pa. R. Crim. P. 600(D)(3). “Rule 600(C) allows that in computing the running of the 180 days, delays resulting from defendant’s actions or requests shall be excluded.”

Commonwealth v. Dixon, 907 A.2d 468, 473 (Pa. 2006).

B. On August 21, 2015, the Defendant Had not Been Held in Pretrial Incarceration in Excess of 180 Non-Excluded Days in Case CR-2186-2013.

The criminal complaint was filed on December 27, 2013. On February 3, 2014, Public Defender #1 filed a motion to withdraw because the Defendant had told counsel that he was fired. On February 10, 2014, the Court granted the motion to withdraw. On February 24, 2014, Conflict Counsel #1 was appointed. On March 7, 2014, a status conference was continued to April 25, 2014.

The delay from February 3, 2014 to April 24, 2014 is excluded from the Rule 600 computation because it was caused by the Defendant. The Defendant caused the delay because he “fired” Public Defender #1. The continuance of the March 7, 2014 status conference was caused by the Defendant as the Court finds that Conflict Counsel #1 did not have adequate time to familiarize himself with the case because he had only been appointed on February 24, 2014.

The delay from April 25, 2014 to August 15, 2014 is excluded from the computation because the Order filed on April 24, 2014 says so. The Defendant did not make a request for review of this determination. The delay from August 15, 2014 to November 14, 2014 is excluded from the computation because the Order filed on August 15, 2014 says so. The

Defendant did not make a request for review of this determination. The delay from December 16, 2014 to May 1, 2015 is excluded from the computation because the Order filed on December 29, 2014 says so. The Defendant did not make a request for review of this determination. The delay from May 1, 2015 to May 4, 2015 is excluded from the computation because the defense requested the delay to May 1, 2015, and the Court did not have a pretrial date after May 1, 2015 but before May 5, 2015. The delay from May 19, 2015 to August 21, 2015 is excluded because the Order filed on July 15, 2015 says so. The Defendant did not make a request for review of this determination.

December 28, 2013 to August 21, 2015 is 602 days. February 3, 2014 to November 14, 2014 is excluded and is 285 days. December 16, 2014 to May 4, 2015 is excluded and is 140 days. May 19, 2015 to August 21, 2015 is excluded and is 95 days. Therefore, of the 602 days from the complaint, 520 are excluded. This means that only 82 days are not excluded, and the Defendant is not entitled to nominal bail under Rule 600.

C. On August 21, 2015, the Defendant Had not Been Held in Pretrial Incarceration in Excess of 180 Non-Excluded Days in Case CR-14-2014.

The criminal complaint was filed on January 6, 2014. On February 3, 2014, Public Defender #1 filed a motion to withdraw because the Defendant had told counsel that he was fired. On February 10, 2014, the Court granted the motion to withdraw. On February 24, 2014, Conflict Counsel #1 was appointed. On March 7, 2014, a status conference was continued to April 25, 2014.

The delay from February 3, 2014 to April 24, 2014 is excluded from the Rule 600 computation because it was caused by the Defendant. The Defendant caused the delay because he “fired” Public Defender #1. The continuance of the March 7, 2014 status conference was

caused by the Defendant as the Court finds that Conflict Counsel #1 did not have adequate time to familiarize himself with the case because he had only been appointed on February 24, 2014.

The delay from April 25, 2014 to August 15, 2014 is excluded from the computation because the Order filed on April 24, 2014 says so. The Defendant did not make a request for review of this determination. The delay from August 15, 2014 to November 14, 2014 is excluded from the computation because the Order filed on August 15, 2014 says so. The Defendant did not make a request for review of this determination. The delay from December 16, 2014 to May 1, 2015 is excluded from the computation because the Order filed on December 29, 2014 says so. The Defendant did not make a request for review of this determination. The delay from May 1, 2015 to May 4, 2015 is excluded from the computation because the defense requested the delay to May 1, 2015, and the Court did not have a pretrial date after May 1, 2015 but before May 5, 2015. The delay from May 19, 2015 to August 21, 2015 is excluded because the Order filed on July 15, 2015 says so. The Defendant did not make a request for review of this determination.

January 7, 2014 to August 21, 2015 is 592 days. February 3, 2014 to November 14, 2014 is excluded and is 285 days. December 16, 2014 to May 4, 2015 is excluded and is 140 days. May 19, 2015 to August 21, 2015 is excluded and is 95 days. Therefore, of the 592 days from the complaint, 520 are excluded. This means that only 72 days are not excluded, and the Defendant is not entitled to nominal bail under Rule 600.

D. On August 21, 2015, the Defendant Had not Been Held in Pretrial Incarceration in Excess of 180 Non-Excluded Days in Case CR-1226-2014.

The complaint was filed on July 29, 2014. On August 11, 2014, the same counsel who had filed a July 31, 2014 motion to withdraw in cases CR-14-2014 and CR-2186-2013 was

appointed to represent the Defendant. On September 25, 2014, the Court granted counsel's motion to withdraw from cases CR-14-2014 and CR-2186-2013. Also on September 25, 2015, the Court appointed a public defender to represent the Defendant in this case. The delay from July 30, 2014 to September 25, 2014 is excluded from the Rule 600 computation because it was caused by the Defendant. As of July 29, 2014, the Defendant had already "fired" a public defender in CR-14-2014 and CR-2186-2013. On August 11, 2014, conflict counsel was appointed, but the Defendant had already threatened and insulted the counsel during representation in CR-14-2014 and CR-2186-2013. Therefore, as a result of the Defendant's conduct, the Court was unable to find counsel until September 25, 2014.

The delay from December 16, 2014 to May 1, 2015 is excluded from the computation because the Order filed on December 29, 2014 says so. The Defendant did not make a request for review of this determination. The delay from May 1, 2015 to May 4, 2015 is excluded from the computation because the defense requested the delay to May 1, 2015, and the Court did not have a pretrial date after May 1, 2015 but before May 5, 2015. The delay from May 19, 2015 to August 21, 2015 is excluded because the Order filed on July 15, 2015 says so. The Defendant did not make a request for review of this determination.

July 30, 2014 to August 21, 2015 is 388 days. July 30, 2014 to September 25, 2014 is excluded and is 58 days. December 16, 2014 to May 4, 2015 is excluded and is 140 days. May 19, 2015 to August 21, 2015 is excluded and is 95 days. Therefore, of the 388 days from the complaint, 293 are excluded. This means that only 95 days are not excluded, and the Defendant is not entitled to nominal bail under Rule 600.

E. On August 21, 2015, the Defendant Had not Been Held in Pretrial Incarceration in Excess of 180 Non-Excluded Days in Case CR-1868-2014.

The complaint was filed on November 24, 2015. The delay from December 16, 2014 to May 1, 2015 is excluded from the computation because the Order filed on December 29, 2014 says so. The Defendant did not make a request for review of this determination. The delay from May 1, 2015 to May 4, 2015 is excluded from the computation because the defense requested the delay to May 1, 2015, and the Court did not have a pretrial date after May 1, 2015 but before May 5, 2015. The delay from May 19, 2015 to August 21, 2015 is excluded because the Order filed on July 15, 2015 says so. The Defendant did not make a request for review of this determination.

November 25, 2014 to August 21, 2015 is 270 days. December 16, 2014 to May 4, 2015 is excluded and is 140 days. May 19, 2015 to August 21, 2015 is excluded and is 95 days. Therefore, of the 270 days from the complaint, 235 are excluded. This means only 35 are not excluded, and the Defendant is not entitled to nominal bail under Rule 600.

III. Conclusion

As of the date that the Motion to Release on Nominal Bail was filed, the Defendant had not been held in pretrial incarceration in excess of 180 non-excluded days from the date on which the complaint was filed in any of the above-captioned cases. Therefore, he is not entitled to nominal bail under Rule 600.

ORDER

AND NOW, this _____ day of September, 2015, based upon the foregoing Opinion, it is ORDERED and DIRECTED that the Defendant's Motion to Release on Nominal Bail is hereby DENIED.

By the Court,

Nancy L. Butts, President Judge