

CAUSE NO. 10-01413-CRF-85

THE STATE OF TEXAS § IN THE DISTRICT COURT OF  
VS. § BRAZOS COUNTY, TEXAS  
ALEX FORD § 85TH DISTRICT COURT

MOTION TO REVOKE APPEAL BOND

Now comes the State of Texas by and through her Assistant District Attorney and moves the Court to revoke bond pending appeal in the instant case.

I.

On May 11, 2011 a jury found the defendant guilty of Intoxication Assault on Peace Officer; the defendant was sentenced to six (6) years in the Texas Department of Criminal Justice and a \$10,000.00 fine. Notice of appeal was given same day. (Said appeal is pending in the Tenth Court of Appeals in case number 10-11-00270-CR).

Also on May 11, 2011, the Court set the defendant's appeal bond at \$40,000.00. Same date, the Court imposed conditions of bond, and the defendant was released on bail.

II.

(Violations of Conditions of Bond)

TEX. CODE CRIM. PROC. art. 44.04 (c) states that "[t]he court may impose reasonable conditions on bail pending the finality of his conviction. On a finding by the court on a preponderance of the evidence of the evidence of a violation of a condition, the court may revoke the bail."

The State alleges that the defendant violated conditions of bond as follows, to-wit:

Condition (3): (Refrain from using alcoholic beverages); in that the defendant, Alex

Ford, on or about December 31, 2011, in Harris County, Texas did then and there use alcoholic beverages.

Condition (9): (Abstain from the use or possession of alcoholic beverages in any form, and do not go on any premises or be employed by a business where the sale of alcoholic beverages serves as its main source of revenue, such as a bar, lounge or nightclub); in that the defendant, Alex Ford, on or about December 31, 2011, in Harris County, Texas did then and there use or possess alcoholic beverages.

in that the defendant, Alex Ford, on or about December 31, 2011, in Harris County, Texas did then and there go on the premises of a business where the sale of alcoholic beverages serves as its main source of revenue.

Condition (9): (Submit to a curfew and be home by 9 pm and remain until 6 am); in that the defendant, Alex Ford, on or about October 15, 2011, in Harris County, Texas did then and there violate curfew.

in that the defendant, Alex Ford, on or about December 31, 2011, in Harris County, Texas did then and there violate curfew.

### III.

#### (Likely to Commit Another Offense)

TEX. CODE CRIM. PROC. art. 44.04 (c) also states that “[p]ending the appeal from any felony conviction other than a conviction described in Subsection (b) <sup>[1]</sup> of this section, the trial court may deny bail and commit the defendant to custody if there exists good cause to believe that the defendant would not appear when his conviction became final or is likely to commit another offense while on bail....” (emphasis added).

Due to the defendant’s violation of her conditions of bond, there exists good cause to believe that the defendant is likely to commit another alcohol related offense while on bail,

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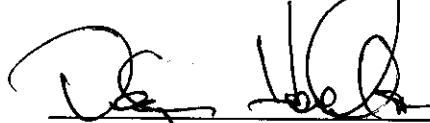
1 TEX. CODE CRIM. PROC. art. 44.04 (b) states:

The defendant may not be released on bail pending the appeal from any felony conviction where the punishment equals or exceeds 10 years confinement or where the defendant has been convicted of an offense listed under Section 3g(a)(1), Article 42.12, but shall immediately be placed in custody and the

and her bond should be revoked. See Ex parte Le Blanc, 615 S.W.2d 724, 726 (Tex. Crim. App. 1981)(upon finding that if defendant convicted of burglary were released on bail pending appeal, he would likely commit another offense, court had authority to rescind its previous order allowing bond even if no conditions were placed on defendant at time of making bond); also see Putman v. State, 582 S.W.2d 146, 151 (Tex. Crim. App. 1979)(proof that a defendant committed an offense while on bail is sufficient to sustain an appeal bond revocation).

The State of Texas prays that the defendant's appeal bond be revoked.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the Motion to Revoke Appeal Bond was delivered to Brian Wice, 440 Louisiana, Suite 900, Houston, TX 77002 on this 30 day of January, 2012.



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Douglas Howell, III  
Assistant District Attorney

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bail discharged.