

STATE OF MISSISSIPPI

COUNTY OF LINCOLN

BAIL

Application for Bond under Court Rule- MS Uniform Criminal Rules of Circuit Court Practice-*Rule 6.02*

A. Pre-trial bail shall be governed by §§ 29 of the Mississippi Constitution of 1890.
B. In all cases involving murder, manslaughter, rape, armed robbery, kidnaping, or other crime punishable by incarceration for a term of twenty (20) years or more, bond shall be 100% of the bail set, unless otherwise ordered by the court. Bail shall be taken in the following form:

State of Mississippi

County of LINCOLN

We, _____, principal, and _____, sureties, agree to pay the State of Mississippi _____ dollars, unless, principal, shall appear at the next term of the Circuit Court of LINCOLN County, and there remain from day to day and term to term until discharged by the trial court or the Supreme Court of Mississippi, to answer a charge of _____.

Signed: _____

Witness: _____

Sworn to and subscribed to before me on this the ____ Day of _____, 201__.

DUSTIN R. BAIRFIELD, CIRCUIT CLERK

BY: _____ D.C.

Approved by me on this ____ Day of _____, 201__.

Steve Rushing, Sheriff

BAIL

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Allowing Deposit of Ten (10%) percent in cash with the Circuit Clerk of the Court.

C. All other persons permitted to make bail may, in lieu of a 100% bond, make a cash bail bond provided the following requirements are met:

1. The accused must never have been convicted in any court of this state, another state or a federal court, of a crime punishable by more than one year's imprisonment, been charged with escape, or had an order *nisi* entered on a previous bond;
2. The amount of the bond must be set by the proper authority;
3. A return date must be set by the proper authority;
4. The accused must tender to the clerk of the circuit court ten percent (10%) of the amount of the bond as set, in cash, or \$250.00 in cash, whichever is greater;
5. The accused must sign an appearance bond guaranteeing his/her appearance and binding himself/herself unto the State of Mississippi in the full amount of the bond as set to be used in the case of default;
6. The accused, by affidavit duly notarized, must swear in substantially the following form:

Defendant

State of Mississippi

County of LINCOLN

Personally appeared before me, the undersigned authority in and for said county and state, _____, who after being duly sworn states:

(a) I have never been convicted in any court of this state, another state, or a federal court of a crime punishable by more than one year's imprisonment. I have never been charged with escape. I have had no order nisi entered on a bail bond executed by me.

I HAVE NEVER BEEN CONVICTED OF A FELONY? () YES () NO
I HAVE NEVER BEEN CHARGED WITH ESCAPE? () YES () NO
I HAVE NEVER HAD AN ORDER NISI ENTERED ON A BAIL BOND EXECUTED BY YOU? () YES () NO

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(b) The proper authority has set the sum of \$_____ as the amount of bail bond to be executed by me. This bond was set by _____.

(c) A return date has been set for this bond. Its return date is _____ and was set by _____.

(d) I have tendered to the clerk of the Circuit Court of LINCOLN County, Mississippi, ten (10%) percent of the amount of said bond in cash, which sum is not less than \$250.00. Said cash is my property. I authorize the clerk of said court to dispose of the same as follows: If the bond is forfeited, the cash tendered will be paid by the clerk, less a fee of \$10.00, to the county, and the amount so paid will be credited on the bond forfeited. If I appear on the return day and a final disposition is made of the case, the amount deposited with the clerk, less a fee of *\$10.00 to be retained by the clerk*, will be disposed of as ordered by the court.

(e) I agree to report to the clerk of the court by telephone, or in person, and in writing on the first Monday of each month as to my current address and telephone number. If I fail to do so, I agree that the bond may be declared in default.

Defendant

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7. The amount of money tendered under this rule shall not be disbursed to any person except on written order of the court. The money deposited with the clerk shall be disbursed in the following manner: first, to pay any court costs assessed against the defendant; second, to pay any restitution the defendant has been ordered to make; third, to pay any fines imposed against the defendant; fourth, to pay any assignment of the sum made by the defendant to defendant's attorney; and fifth, any refund to the defendant or other disbursements as allowed by the court.

D. The clerk shall in all cases collect the fee imposed by § 83-39-31 of the Mississippi Code of 1972 on the face value of the bond by calculating the fee on the amount of the bond, not the amount deposited.

E. The circuit judge has the discretion to waive or modify any requirements of this rule, except for the collection of the fee as set by § 83-39-31.

F. The sheriff, upon proof that all of the foregoing conditions have been met, shall approve all written bonds and return them to the circuit clerk. The circuit clerk shall file and keep these bonds separately in a safe place where they can be kept for presentation at trial or on demand of the court.

[Adopted effective May 1, 1995; amended effective August 26, 1999]

Application for Bond

Name: _____ SSN: _____

Date of Birth: _____ Age: _____ Driver License: _____

Race: _____ Sex: _____ Height: _____ Weight: _____

Address: _____ City/State/Zip _____

Cell Phone Number: _____ Other Number: _____

Parents name, address, and phone numbers: _____

Name of Nearest relative with address and phone numbers: _____

Employer: _____ Phone: _____

Attorney: _____ Address: _____ Phone: _____

Charge: _____ Bond amount: _____

Court: LINCOLN COUNTY CIRCUIT COURT Bond set by: _____

Appear Date starts on: _____ and continues until discharged by trial court or the Supreme Court of Mississippi.