

# Court of Appeals, State of Michigan

## ORDER

People of MI v Jeffrey Alan Stoltz

Docket No. 344983

LC No. 18-003731-FH

William B. Murphy  
Presiding Judge

David H. Sawyer

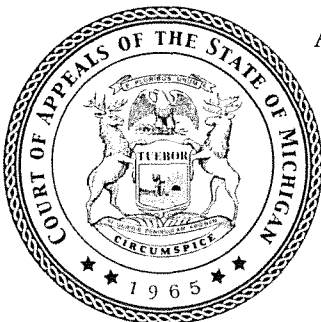
Douglas B. Shapiro  
Judges

---

The Court orders that the motion for immediate consideration is GRANTED.

The Court further orders that the motion to vacate \$200,000 cash bond is DENIED.

Shapiro, J. would grant defendant's motion to vacate the circuit court's order raising defendant's bond, from \$20,000 as set by the district court, to \$200,000. The circuit court's summary increase in bond by a factor of 10 was without basis because defendant had adhered to all conditions of bond and appeared at all proceedings. In addition, defendant has no prior criminal record nor is there any allegation that he is potentially violent. Thus, none of the factors set forth in MCL 765.6 can justify the 10-fold increase in bond. MCR 6.106(C), which provides that unless the defendant is charged with a violent felony, a defendant shall not be held in custody unless "the court determines that release . . . will not reasonably ensure the appearance of the defendant or will not reasonably ensure the safety of the public." The trial court's sole stated reason for its decision was "[t]he allegations here are outrageous. \$250,000 of restitution, numerous victims. A \$20,000 personal recognizance bond is ridiculously low. I'm going to set this bond at \$200,000." Thus, the circuit court's only stated ground for the increase in bond appears to be that defendant's bond should approximate the possible amount of restitution that could be imposed following a conviction. This is not a proper basis for setting bond as it is not referenced in the statute or court rule, and because it is inconsistent with the presumption of innocence.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 21 2018

Date

Chief Clerk