

1.7 Investigation and Preparation for Bond Reduction Motion

Preparation is key to a successful bond reduction motion. During the initial interview with your client, focus on obtaining information that demonstrates his or her ties to the community, such as employment, family, etc. Find out the amount of bond your client can afford and the people who might be available for a custody release. If your county has a pretrial services program, coordinate your efforts if possible. The factors mandated for judicial consideration by G.S. 15A-534(c) (*see supra* § 1.6A, Factors) will dictate the structure of your arguments to the prosecutor or judge, but you need not limit your information gathering to those factors. An interview checklist appears at the end of this chapter as Appendix 1-1.

After the client interview, verify as much information as possible and talk to people who might supervise your client. Your client's position is immeasurably improved if you can attest to the information. Before contacting employers and others, however, be sure that your client is willing to have them informed of the pending criminal charges.

Before making the motion, determine whether the prosecutor will agree to a bond reduction. The information you've gathered may prove useful in meeting any concerns the prosecutor may have about a bond reduction, particularly if you can suggest suitable non-financial conditions of pretrial release. For example, if the prosecutor is concerned about problems your client has had with substance abuse, participation in a treatment program might be an acceptable condition of pretrial release.

If the motion is contested, have key witnesses attend the hearing, particularly anyone willing to supervise the defendant on a custody release. Plan to flesh out your arguments with specific facts—for example, proposals for your client's constructive use of time, suggested educational or employment situations, ways to maintain frequent contact between your client and the supervising party, etc. Also, obtain your client's criminal record and be prepared to respond to the prosecutor's argument that your client is at risk of reoffending if released.