

**IN THE SUPERIOR COURT OF IRWIN COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,)	
)	
v.)	Indictment No. 2017-CR-027
)	
RYAN ALEXANDER DUKE,)	
)	
Defendant.)	
_____)	

MOTION FOR BOND

COMES NOW, Ryan Alexander Duke, Defendant in the above-styled case, pursuant to O.C.G.A. § 17-6-1, and requests this Honorable Court set a reasonable bond in the above-styled case. In support of this motion, Mr. Duke shows the Court as follows:

Mr. Duke is incarcerated in the Irwin County Detention Center with no bond in said case. Mr. Duke has never requested a bond. Mr. Duke is a native of the State of Georgia and has lived the majority of his life in or around Irwin County, Georgia. Mr. Duke has no prior felony arrests or convictions on his criminal record in Georgia or elsewhere. Mr. Duke has no prior failure to appear on his record or any violations of any court orders. Mr. Duke has extended family members in and around Irwin County, Georgia including his mother, stepfather, two brothers, as well as numerous aunts, uncles, nieces, nephews, and cousins.

Mr. Duke was arrested without incident after appearing for questioning at the request of law enforcement. Mr. Duke was approached by law enforcement and was requested to come into the police station for questioning the following day. Mr. Duke did

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This 8th day of January
Time 9:45 AM P.M.
Deputy Sherry Pope
Clerk Superior Court, Irwin County

not attempt to flee the jurisdiction or run or evade authorities in any manner but instead appeared the following day where he was questioned and arrested.

Excessive bail is prohibited by the Georgia Constitution (Ga. Const. 1983, Art. I, Sec. I, ¶ XVII) and the Eighth Amendment to the U.S. Constitution. See also generally O.C.G.A. § 17-6-1(e), Mullinax v. State, 271 Ga. 112, 515 S.E.2d 839 (1999). For purposes of the Eighth Amendment, excessive bail is defined as bail set at an amount higher than an amount reasonably calculated to insure the presence of the defendant. Stack v. Boyle, 342 U.S. 1, 5, 72 S. Ct. 1, 96 L. Ed. 3 (1951). When fixing bail in Georgia, a trial judge's foremost consideration is the probability that the accused, if freed, will appear at trial and to a lesser extent "the accused's ability to pay, the seriousness of the offense, and the accused's character and reputation. [Cit.]" Spence v. State, 252 Ga. 338, 341, 313 S.E.2d 475 (1984). See generally O.C.G.A. § 17-6-1(e). A defendant who seeks release on bail has the burden of showing "roots in the community, that the defendant does not pose a significant risk of fleeing, threatening the community, committing another crime, or intimidating a witness. [Cits.]" Cowards v. State, 266 Ga. 191, 193, 465 S.E.2d 677 (1996).

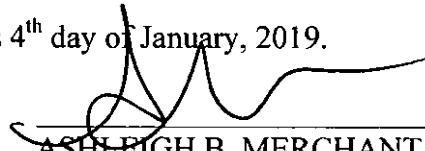
Based upon his history, the Court is authorized to release the Defendant Ryan Duke on bail under O.C.G.A. § 17-6-1(e) because:

- (i) Mr. Duke poses no significant risk of fleeing from the jurisdiction of the court or failing to appear in court when required;
- (ii) Mr. Duke poses no significant threat or danger to any person, to the community, or to any property in the community;
- (iii) Mr. Duke poses no significant risk of committing a felony pending trial; and
- (iv) Mr. Duke poses no significant risk of intimidating witnesses or otherwise obstructing the administration of justice.

Mr. Duke has not requested bond prior to this date because he was fearful that if released, harm would come to him at the hands of his out of county co-defendant, Bo Dukes. Mr. Duke made statements to law enforcement that implicated himself in this crime out of fear for himself and his family. Since Mr. Dukes was immediately granted bond despite his extensive criminal history and his record of failing to comply with law enforcement, Mr. Duke felt it was safer to remain in custody and remain silent. Now that Mr. Dukes is facing imminent arrest and incarceration without bond, Mr. Duke requests that a reasonable bond be granted in his case. Mr. Duke does not have financial means to make a significant bond and therefore asks that a bond in the amount of \$10,000 be granted so that he can be released pending the resolution of this case. Additionally, since the Court denied Mr. Duke's requests for funds for an investigator and funds for an expert witness in the area of false confessions, Mr. Duke seeks the opportunity to be released so that he can earn money to afford to pay for these costs that are necessary to

insure that he has a fair trial.

Respectfully submitted this 4th day of January, 2019.



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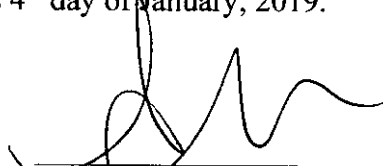
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CERTIFICATE OF SERVICE

Undersigned counsel certifies that a copy of this has been delivered via U.S. Mail
and to opposing counsel at

C. Paul Bowden, District Attorney
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Respectfully submitted this 4th day of January, 2019.



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