

THATCHER MUNICIPAL COURT
3690 WEST MAIN STREET, THATCHER, AZ 85552
(928) 428-2290 ext. 2

POSTING AN APPEARANCE BOND—INFORMATION ABOUT YOUR RIGHTS AND RESPONSIBILITIES

Bonds may be posted at the Thatcher Municipal Court between the hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday. The Court accepts cash, money order, or cashier's checks. The Court does not accept personal checks or debit/credit cards.

If a bond is posted after regular business hours, weekends, or holidays, the bond will need to be posted at the jail. ***The jail only accepts money orders.***

IF A BOND IS POSTED BEFORE A DEFENDANT IS SEEN BY A JUDGE, he/she will need to contact the Court **within 10 calendar days** to schedule an Arraignment date with the Judge or a Bond Forfeiture Hearing will be set and you may run the risk of the Court forfeiting your bond.

What is an appearance bond? An appearance bond, also known as a bail bond, allows a person (the defendant) who is in custody to be released pending further court appearances. The purpose of the appearance bond is to guarantee the arrested person's appearance at the time and place specified by the Court. The amount of the bail bond varies with the seriousness of the charge and is set by the Court.

Is it always necessary to post a bond? No. Under certain conditions, the court will release a defendant without bond. The Court may accept the defendant's promise to appear at a time and place specified by the Court. This is known as being released "Own Recognizance" --usually designated on the release papers with just the initials "O.R." A defendant may also be released upon another person's (designated by the Court) promise to ensure the defendant's appearance as required by the Court. This is called a "Third Party Release."

What will the Court accept as bond? The Thatcher Municipal Court accepts cash, money order, or cashier's checks for the full amount of the bond. The Court does not accept personal checks or debit/credit cards. The Court also accepts paper bonds posted by authorized bail bond agencies.

Who can post bond? Anyone can post a cash bond on behalf of the defendant. Bail bond companies post paper bonds. Posting a bond makes the bond poster responsible for the full amount of the bond should the defendant fail to appear or violate any other condition of release ordered by the Court.

What happens if the defendant fails to appear as ordered? The Court will schedule a Bond Forfeiture Hearing and all parties involved will be notified of the date and time. Depending on the outcome of the hearing, the Court:

- A. May order the bond forfeited;
- B. May also order a warrant for the defendant's arrest;
- C. May allow the defendant another chance to appear.

If a bond is forfeited, can the person who posted the bond get their money back? No. Once the Judge orders the bond forfeited it becomes property of the Town and will not be refunded.

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What happens to collateral given to a bail bond agent should a defendant fail to appear and the Court orders the bond forfeited? The Court will order the cash value of the bond paid by the bail bond company. Property given as collateral can be sold by bonding companies to provide cash for the bond, if necessary. Any contract regarding the collateral and/or cash deposits is between the bail bond company and the person obtaining the bond. The Court cannot and will not intervene.

What happens if a defendant appears as ordered?

- A. The Court may order the bond be returned (exonerated) to the bond poster. If it is a cash bond, once the judge orders exoneration, the Court sends paperwork to the Town of Thatcher Financial Office to issue a check. This may take up to thirty days. With a surety bond, once clearance is provided, the Court provides written clearance to be given to a bail bond company and the bail bond company initiates the release of collateral; OR,
- B. If the defendant posted the bond, the Court may order that the bond be converted to pay fines, fees, surcharges, or restitution on the case and/or other cases involving the defendant. The Court does not need the defendant's consent to order the conversion; OR,
- C. The Court may order the bond be converted to fines, fees, surcharges or restitution on the case and/or other cases the defendant may have in this Court **IF** the person who posted the bond, not the defendant, agrees to the bond conversion.

Definitions:

Bond Poster – Person who posts an appearance bond.

Collateral – Property or titles given by a person to a bail bond agent who then posts the bond.

Convert – Use of the bond money to pay what the defendant was ordered by the Court to pay. The order could include victim restitution, fines and surcharges, attorney fees or jail fees.

Defendant – Person charged with a criminal act.

Exonerate – Return of bond money to the bond poster.

Forfeit – Bond money is turned over to the town, county or state by the judge's order.

Paper Bond – The paper given to the Court by the bail bond agent showing that collateral was given.

WARNING....BE CAREFUL!

The form used when a bond is posted may have several options that allow the Court to use the money to pay for the monetary obligations owed on a case or any other cases the defendant may have in this Court. Please read the form carefully and only mark those statements that you agree with. You cannot change your mind later.