

Called for Hearing for
Forfeiture of bond in Peggy Jones case (Frank Simmons, Jr.)
Board of Commissioners
August 20, 2015
11:00 p.m.

Meeting was called to order by Chairman Daniel.

Commissioners Horace Daniel, Larry Mathis, Edward Burten and Melton Jones were present.

Commissioner Daniel called on County attorney Jason Davis to introduce Mr. Keenan Howard who was pleading an appeal regarding the forfeiture of a bond in the Peggy Jones case. He was pleading the case for Mr. Frank Simmons.

The following is a summary of Mr. Howard's presentation:

By way of introduction, Mr. Howard told the Commissioners that he worked as 9 years as an assistant solicitor in Athens-Clarke County before moving his practice to Sandersville. He explained that he often dealt with bond forfeitures at his prior employment and noted that the bond amount of \$80,000 was much higher than what he had seen in those courts.

Mr. Simmons posted a property bond in the amount of \$80,000 for the release of Ms. Peggy Jones. Ms. Jones subsequently failed to appear for a court date, at which time her bond was called and forfeited. Thereafter, Superior Court Judge Bobby Reaves set a hearing date for Mr. Simmons to show cause as to why the bond should not be forfeited. Mr. Simmons failed to appear at said hearing and, as a result, the Court entered judgement against Mr. Simmons in the amount prayed for by the District Attorney. This judgment was properly recorded at the Washington County Clerk's office.

Mr. Howard stated that Mr. Simmons had posted hundreds of bonds in Washington County and that this was the first time any person that he had posted bond for had failed to appear in court. Furthermore, Mr. Howard showed that apparently there were "some miscommunications" in the courthouse on the date of the failure to appear. Mr. Howard presented the Commissioners with a letter from Sheriff Thomas Smith which stated that Ms. Jones had actually been physically present at the court house on the day of arraignment and that Mr. Simmons was also in court that day. However, Ms. Jones left the courtroom prior to her time for appearance before the Judge and was not present when the judge called her case. The Sheriff supported dismissal of the fi.fa.

Mr. Howard noted that Ms. Jones has since been apprehended by the Sheriff's Office, that the prosecution of her case had not been delayed by her failure to appear at her arraignment, and that she was in fact currently being housed in the Washington County jail.

In addition to the above, Mr. Howard also showed the Commissioners that O.C.G.A. §17-6-72 would allow Mr. Simmons to recoup all but 5% of the \$80,000 bond via a special procedure and argued that, because of Mr. Simmons' eligibility to recoup funds under that statute, that the real amount that the County would stand to recover would only be \$4,000.

Mr. Davis stated that Mr. Howard was correct that Mr. Simmons was within the time period required by law to potentially recoup 95% of the bond amount as stated by his attorney. Mr. Davis noted that the Clerk's Office followed all statutory notice requirements for Mr. Simmons' attendance at the bond forfeiture hearing, although Mr. Simmons was undergoing treatment for brain cancer at that time. He further noted that Mr. Howard's statement that the bond amount was inordinately high was consistent with the records at the Clerk's Office, which showed that Mr. Simmons' bond debt was much in excess of the average bond. Mr. Davis noted that collecting on these judgments is rare in our county, and that there was a substantial possibility that the County would either collect \$4,000, at the most, from Mr. Simmons in the near future or that the County may not collect upon any of the debt for years, if at all. In conclusion, Mr. Davis noted that Ms. Jones had not requested that she be taken off of the fi.fa. and that this request related to Mr. Simmons alone.

Whereupon, Mr. Burten made a motion to waive the entire bond amount only against Mr. Simmons. Seconded by Commissioner Mathis. Carried unanimously by a show of hands.

Meeting Adjourned.

Chairman, Horace M. Daniel



Date 9/2/2015

County Administrator/clerk, Chris Hutchings



Date 9/2/2015

****Board Minutes are unofficial unless signed*****