

STATE OF GEORGIA

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CASE NO.: 21PI0249 N

8/18/2021 6:15PM

vs.

Beverly Logan, Clerk

Athens-Clarke County, Georgia

VIRKERRIA STEWARD,
Defendant.

HOMICIDE BY VEHICLE, etc.

MOTION TO RECONSIDER AND SET BOND

COMES NOW Defendant, through counsel to request this Honorable Court to set a bond in the above-styled case and. In support of this motion, Defendant shows the following:

1.

Defendant has been incarcerated in the Athens-Clarke County jail on the above charges since April 14, 2021. This Court heard the issue of bail on April 28, 2021 and June 30, 2021. This Court denied bond on those occasions.

2.

According to the Clerk of Court's docket, Defendant's case has not yet been indicted as of this date, and thus she is entitled to bond pursuant to O.C.G.A. § 17-7-50. The Chief Justice's Fourteenth Order Extending Declaration of Statewide Judicial Emergency, issued May 8, 2021, reimposed deadlines for indicting detained individuals as of May 14, 2021. See Fourteenth Order Sec. I(E) at p.3.

3.

If released on bond, Defendant will return to Court as directed if released. She has multiple housing options, including arrangements outside of Athens which would not involve living with her mother.

4.

Furthermore, Defendant was granted a pre-set bond at the time of her arrest in the total amount of \$14,000 good security. This bond was revoked without notice or an opportunity to be heard, let alone the opportunity to be represented by counsel at said proceeding. This procedure violated Defendant's constitutional rights in multiple ways, including depriving her of due process of law and depriving her of her right to be represented by counsel at all essential stages of criminal proceedings. Furthermore, this procedure deprived her of equal protection under the law, as it treats those people charged with a crime without significant financial resources differently from those who have access to financial resources. Therefore, the Court should reinstate the bond which Defendant was originally granted.

WHEREFORE, the Defendant requests that this Court enter an order setting the bond in this case in a reasonable amount.

Respectfully submitted, this 18th day of August, 2021.

/s/Benjamin A. Pearlman
Benjamin A. Pearlman
State Bar No. 569217
Attorney for Defendant

Western Judicial Circuit Public Defender's Office
440 College Ave. N, Suite 220
Athens, Georgia 30601
(706) 369-6440

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing MOTION TO RECONSIDER AND SET BOND, upon Deborah Gonzalez, District Attorney for Athens-Clarke County, by personally handing a copy of same to her or to one of her duly authorized agents at her office on the Third Floor of the Athens-Clarke County Courthouse.

This 18th day of August, 2021.

 /s/Benjamin A. Pearlman
Benjamin A. Pearlman
State Bar No. 569217
Attorney for Defendant

Western Judicial Circuit Public Defender's Office
440 College Ave N, Suite 220
Athens, Georgia 30601
(706) 369-6440

IN THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY

STATE OF GEORGIA

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vs.	:	
	:	
VIRKERRIA STEWARD,	:	HOMICIDE BY VEHICLE, etc.
Defendant.	:	
	:	

RULE NISI

Defendant having submitted for filing the above MOTION TO RECONSIDER AND SET BOND, let said motion be filed. IT IS FURTHER ORDERED that the District Attorney or one of her duly authorized agents show cause before the Court at the _____ County Courthouse, _____, Georgia at _____ o'clock _____m., on the _____ day of _____, 2021, why the prayers of the Defendant should not be granted.

Let a copy of this Order be served upon the District Attorney's Office.

This _____ day of _____, 2021.

Eric W. Norris, Chief Judge
 Superior Courts, Western Judicial Circuit