

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DORETHA DENISE BRAY,

Defendant,

and

YOU WALK BAIL BOND AGENCY, INC.,

Appellant.

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UNPUBLISHED

November 29, 2007

No. 271042

Oakland Circuit Court

LC No. 2005-202140-FH

Before: Markey, P.J., and Saad and Wilder, JJ.

PER CURIAM.

Appellant bond agency appeals as of right from a circuit court order denying its motion to set aside an order forfeiting a surety bond. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Appellant posted a \$35,000 surety bond after defendant was charged with possession with intent to deliver 50 or more but less than 450 grams of cocaine, MCL 333.7401(2)(a)(3), and possession of a firearm during the commission of a felony, MCL 750.227b. On September 9, 2005, defendant pleaded guilty of those charges. Sentencing was scheduled for October 27, 2005. The circuit court ordered defendant to be tethered pending sentencing. On October 21, 2005, the prosecution filed an emergency motion to revoke bond pursuant to MCR 5.106(I)(2). According to the motion, defendant's whereabouts were unknown and the tethering device had been disconnected. On October 24, 2005, the circuit court issued a bench warrant, revoked its prior release order, and ordered forfeiture of the bond of \$35,000 cash or surety.

Appellant was directed to show cause why a default judgment for the full amount of the recognizance should not be entered as the result of defendant's failure to appear. At the show cause hearing, the circuit court concluded that the appellant had failed to establish why the \$35,000 judgment should not be entered against it. This appeal ensued.

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This Court reviews a ruling on a motion to set aside a forfeiture of a bond for an abuse of discretion.” *In re Forfeiture of Bail Bond*, 229 Mich App 724, 727; 582 NW2d 872 (1998). Appellant argues that the court abused its discretion by its denial of its request for relief under MCL 600.4835, which provides in relevant part:

The circuit court for the county in which such court was held, or in which such recognizance was taken, may, upon good cause shown, remit any penalty, or any part thereof, upon such terms as appear just and equitable to the court. . .

Appellant claims that the trial court should have considered the equitable factors set forth in *State v Hyers*, 122 NJ Super 177, 180; 299 A2d 748 (1973). However, the record does not demonstrate that appellant made these arguments to the trial court at the time of the show cause hearing, and therefore, these issues are not preserved for appellate review. *Hines v Voltswagon of America, Inc*, 265 Mich App 432, 443; 695 NW2d 84 (2005). Even if we would disregard appellant’s failure to first present these arguments to the trial court, nevertheless, the equitable factors upon which appellant seeks to rely require a fact-intensive review by the trial court. On the record presented, the trial court’s disposition does not fall outside the principled range of outcomes available to the trial court under the facts. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006).

Affirmed.

/s/ Jane E. Markey  
/s/ Henry William Saad  
/s/ Kurtis T. Wilder