



Hall argues that in the underlying case, *State v. Hall*, Cuyahoga C.P. No. CR-20-653811-A, his \$250,000 bail is excessive and should be lowered to a \$50,000 bond — cash, surety or property; he would also be willing to comply with GPS-monitored release. On April 6, 2021, the respondent, through the Cuyahoga County Prosecutor, filed his brief in opposition, and Hall filed his reply brief on April 9, 2021. Attached to the filing were, inter alia, transcripts for two hearings on motions to reduce bond and a hearing on a motion to suppress identification, Hall’s motions to reduce bail, the Cleveland police report on the underlying incident, the indictment in the underlying case, and journal entries showing Hall’s criminal record. For the following reasons, this court denies the petition for habeas corpus.

{¶ 2} As gleaned from the attachments, in the early morning of September 13, 2020, the victim, Mr. Jones, was at a party and was getting more wood for a firepit, when someone approached him with a gun and announced a robbery. Jones struggled with the robber, and received multiple gunshot wounds to his forearm, left thigh, mouth, left ear, left ankle, and buttocks. Witnesses reported that they heard four gunshots and then a few second later four more gunshots. Jones was able to run away and obtain aid from his friends at the party.

{¶ 3} Although Jones did not recognize the robber, his friends supplied him with a name and a picture of Robert Hall as his assailant. Jones subsequently gave the name and photo to the police, and he affirmed that this was the robber.<sup>1</sup>

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<sup>1</sup> Alleged irregularities in this identification became the grounds for Hall’s motion to suppress.

{¶ 4} The grand jury indicted Hall for one count of attempted murder, two counts of felonious assault, two counts of aggravated robbery, and two counts of robbery, all with one- and three-year firearm specifications, notice of prior conviction specifications, and repeat violent offender specifications, as well as one count of having a weapon while under disability. Hall's criminal record is as follows: In *State v. Hall*, Cuyahoga C.P. No. CR-11-552777, he pled guilty to burglary and received a sentence of two years. In *State v. Hall*, Cuyahoga C.P. No. CR-11-555269, he pled guilty to burglary and received a two-year sentence concurrent to the other burglary sentence. In *State v. Hall*, Cuyahoga C.P. No. CR-16-607058, he pled guilty to aggravating menacing and domestic violence and was sentenced to two years of community control; the trial court issued two capiases for him in May and October 2017, when he failed to report. In *State v. Hall*, Cuyahoga C.P. No. CR-18-627866, Hall pled guilty to trafficking and escape and received a nine-month jail sentence.

{¶ 5} In the underlying case, bond was set at \$250,000. Hall twice moved to reduce this bond. At the hearings for these motions, Jones requested that the bail remain unchanged and reported general threats about being a snitch. The trial court denied the motions.

{¶ 6} Hall seeks to have this court reduce the bond to \$50,000. Hall argues that \$250,000 is too high and is an abuse of discretion. He continues that he is a life-long resident of Cleveland and would stay with his fiancée if released on a reasonable bond. He further argues that the prosecution's case is weak, because

Jones's identification of Hall is tenuous and disputed. He also notes that the state deferred to the trial court's discretion on his two motions to reduce bond.<sup>2</sup>

{¶ 7} The principles governing habeas corpus in these matters are well established. Under the United States and Ohio Constitutions, “excessive bail shall not be required.” The purpose of bail is to secure the attendance of the accused at trial. Crim.R. 46(A); *Bland v. Holden*, 21 Ohio St.2d 238, 257 N.E.2d 397 (1970). In Ohio, the writ of habeas corpus protects the right to reasonable bail. *In re Gentry*, 7 Ohio App.3d 143, 454 N.E.2d (1st Dist.1982). A person charged with the commission of a bailable offense cannot be required to furnish bail in an excessive or unreasonable amount. *In re Lonardo*, 86 Ohio App. 289, 89 N.E.2d 502 (8th Dist.1949). Indeed, bail set at an unreasonable amount violates the constitutional guarantees. *Stack v. Boyle*, 342 U.S. 1, 72 S.Ct. 1, 96 L.Ed. 3 (1951). Pursuant to Crim.R. 46, in determining what is reasonable bail, the trial court must weigh various factors: the nature and circumstances of the offense charged; the weight of the evidence; the accused's history of flight or failure to appear at court proceedings; his ties to the community, including family, financial resources, and employment; and his character and mental condition. After weighing these factors, the trial court set the amount of bail within its sound discretion. In a habeas corpus action to contest the reasonableness of bond, this court must determine whether the trial court abused its discretion. To show an abuse of discretion, this court must

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<sup>2</sup> The state now opposes the reduction of bond in this case.

be able to find perversity of will, passion, or moral delinquency; an abuse of discretion must reflect an unreasonable, arbitrary, or unconscionable attitude by the trial court. *In re Gentry*, 7 Ohio App.3d at 146; *Jenkins v. Billy*, 43 Ohio St.3d 84, 538 N.E.2d 1045 (1989); and *In re Green*, 101 Ohio App.3d 726, 656 N.E.2d 705 (1995).

{¶ 8} Similar cases can provide benchmarks for evaluating whether bail is reasonable. In *King v. Telb*, 6th Dist. Lucas No. L-05-1022, 2005-Ohio-800, the Sixth District Court of Appeals upheld an increase of bond from \$120,000 to \$500,000 for a defendant charged with attempted murder, felonious assault, and having weapons while under disability. Although the defendant alleged life-long residence in the area and strong ties with his children and parents, the court of appeals noted his prior felony record and several incidents of failing to appear in municipal court as reasons why the trial court had not abused its discretion in increasing bond. The Supreme Court of Ohio upheld a \$250,000 bond for drug trafficking, despite the petitioner's claims of strong family and community ties and an insignificant past criminal record. *Jenkins v. Billy*, 43 Ohio St.3d 84, 538 N.E.2d 1045 (1989). The Supreme Court of Ohio also upheld a \$3,000,000 bond for conspiracy to commit murder in *Ahmed v. Plummer*, 126 Ohio St.3d 262, 2010-Ohio-3757, 933 N.E.2d 256. In *State ex rel. Hasen v. Maier*, 5th Dist. Stark No. 2014CA00109, 2014-Ohio-3459, ¶ 4, the court of appeals noted the decision on whether bond is excessive and an abuse of discretion "is dependent upon all the facts and circumstances in each individual case." The court upheld a \$1,500,000

bond for a felony violation of a protection order, when the defendant was charged with a second felony violation of a protection order while out on bond.

{¶ 9} In the instant case, the crimes committed are very serious, severely injuring, and nearly killing, Jones. The perpetrator used a firearm, and witnesses said they heard eight shots. Hall has multiple convictions for violent offenses and multiple incidents of failing to appear. Jones has also affirmed that Hall is the perpetrator, having looked at him during the incident and struggling for the gun. Based on these factors, this court concludes that the trial court did not abuse its discretion in setting bond.

{¶ 10} Accordingly, this court denies the petition for a writ of habeas corpus. Petitioner to pay costs. The court instructs the clerk to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶ 11} Petition denied.

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MARY J. BOYLE, ADMINISTRATIVE JUDGE

EILEEN A. GALLAGHER, J., and  
MICHELLE J. SHEEHAN, J., CONCUR