

Affirmed and Memorandum Opinion filed January 13, 2011.



In The

Fourteenth Court of Appeals

NO. 14-10-00715-CR

NO. 14-10-00716-CR

NO. 14-10-00717-CR

EX PARTE ROBERT RANDALL LONG

**On Appeal from the 177th District Court
Harris County, Texas
Trial Court Cause Nos. 1216882, 1235282, 1199409**

MEMORANDUM OPINION

Appellant is charged with three offenses of theft. The trial court set bond at amounts of \$25,000.00,¹ \$680,000.00,² and \$75,000.00.³ Appellant filed a pre-trial application for writ of habeas corpus seeking a bond reduction in each case. On July 9, 2010, the trial court denied appellant's application in each case. From those orders denying his applications, appellant filed a notice of appeal in each case.

In his brief, appellant does not challenge the bond amounts of \$25,000.00 and \$75,000.00. Appellant's brief only claims the bond amount of \$680,000.00 is excessive.

¹ Appeal No. 14-10-00715-CR; trial court cause no. 1216822.

² Appeal No. 14-10-00716-CR; trial court cause no. 1235282.

³ Appeal No. 14-10-00717-CR; trial court cause no. 1199409.

“To show that he is unable to make bail, a defendant generally must show that his funds and his family’s funds have been exhausted.” *Milner v. State*, 263 S.W.3d 146, 149 (Tex. App. – Houston [1st Dist.] 2006, no pet.). The only hearing record is that of March 1, 2010, and it contains no evidence regarding appellant’s inability to make bond. The only evidence offered in support of appellant’s claim that he is unable to make bond is the affidavit of his attorney, Amen O. Obas, which states, in pertinent part:

I am a [sic] aware that the defendant has attempt [sic] to post bond and he has not been able to raise the bond amount of \$680,000.00 for the cash bond and have [sic] not been able to raise the \$68,000.00 with the property worth \$680,000.00 that is being requested by the professional bonds men.

Appellant’s acknowledges he has previously posted bond for a total amount of \$100,000.00.

There is no evidence in the record regarding appellant’s assets and financial resources. *See Cooley v. State*, 232 S.W.3d 228, 236 (Tex. App. – Houston [1st Dist.] 2007, no pet.). Obas’ vague references to appellant’s inability to secure a bond do not justify a reduction in the amount set. *See Balawajder v. State*, 759 S.W.2d 504, 506 (Tex. App. – Fort Worth, 1988, pet. ref’d). Because appellant has offered no evidence supporting his claimed inability to make bail and little evidence regarding his efforts to secure bond, the trial court could properly have concluded that the amount of bail was reasonable under the circumstances. *See Ex parte Scott*, 122 S.W.3d 866, 870 (Tex. App. – Fort Worth 2003, no pet.).

Accordingly, in each case we affirm the judgment of the trial court.

PER CURIAM

Panel consists of Justices Brown, Boyce, and Jamison.

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