Dismissed and Memorandum Opinion filed January 13, 2011.

In The

Fourteenth Court of Appeals

NO. 14-10-00984-CR
NO. 14-10-00985-CR
NO. 14-10-00986-CR
NO. 14-10-00987-CR

EX PARTE ROBERT LYLES

On Appeal from the 176th District Court
Harris County, Texas
Trial Court Cause Nos. 1280597, 1280598, 1280599, 1280600

MEMORANDUM OPINION

Appellant is charged with three offenses of forgery and engaging in organized criminal activity. The trial court set pre-trial bond at amounts of $500,000.00, $350,000.00, $75,000.00, and $75,000.00, for a total of $1,000,000.00. Appellant filed a pre-trial application for writ of habeas corpus seeking a bond reduction in each case. On September 17, 2010, the trial court denied appellant's application in each case. From those orders denying his applications, appellant brings these appeals.

The trial court initially set no bond on each of appellant's cases, following a hearing held May 4 and 5, 2010. According to appellant's brief, on July 7, 2010, the trial court

conducted a hearing and re-set bond to the amounts set forth above. Appellant then filed the applications for writ of habeas corpus that are the subject of these appeals. In all four appeals, appellant claims the bond is excessive and asserts he has made a genuine effort to post the bond.

"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.). There is no record of the hearing held July 7, 2010. The record of the hearing conducted in May 2010 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 Tracy Himes, his daughter. Himes claims:

> I have tried to post these bonds with several bonding companies; however I have been unsuccessful in making these bonds. I have met with Robert Lyles and he lacks the collateral and cash required to make bonds of this high nature. Each bonding company has stated that they would require 10% cash of all bonds, which would total $1,000,000.00[[1]] and in addition they would also require collateral in the amount of over $1,000,000.00. As such Robert Lyles is unable to post bonds in this amount.

Appellant's brief acknowledges he has previously posted bond for a total amount of $130,000.00.

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.). Himes' vague references to her 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

1 Himes' math is incorrect -- ten percent of the total amount is $100,000.00.

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 Anderson, Seymore, and McCally.
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