

NO. 07-00-0144-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
SEPTEMBER 7, 2001

JOHN BRADFORD CROW, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 232ND DISTRICT COURT OF HARRIS COUNTY;
NO. 735352; HONORABLE LARRY FULLER, JUDGE

Before BOYD, C.J., and REAVIS and JOHNSON, JJ.

ON MOTION FOR BOND FOLLOWING REVERSAL

By opinion dated August 7, 2001, this Court reversed appellant's conviction for murder and remanded the cause for new trial. Pending before this Court is appellant's motion for bond following reversal pursuant to article 44.04(h) of the Texas Code of Criminal Procedure Annotated (Vernon Supp. 2001). Appellant certifies that the State

opposes the motion and has informed appellant's counsel that instead of filing a motion for rehearing, the State intends to proceed with its petition for discretionary review. For the reasons expressed herein, appellant's motion is overruled without prejudice to the filing of a revised or amended motion.

By his motion, appellant requests that this Court set a reasonable bond in the amount of no more than \$20,000, which he contends is a reasonable amount. According to the clerk's record, on January 10, 2000, appellant certified by his pauper's oath on appeal that he was too poor to employ counsel and was without funds, property, or income to pay for a record of the evidence. However, in his motion, appellant does not discuss his ability to make bail at this time. Further, article 44.04(h) does not furnish any specific guidance as to the criteria or factors which we should consider in making reasonable bail determinations following the reversal of a conviction. However, in *Aviles v. State*, 23 S.W.3d 74, 80 (Tex.App.--Houston [14th Dist.] 2000, pet. ref'd), the court suggested that the factors set out in article 17.15 of the Texas Code of Criminal Procedure were relevant to setting bond under article 44.04(h). See *also* *Ex Parte Rubac*, 611 S.W.2d 848, 849-50 (Tex.Cr.App. [Panel Op.] 1981). Accordingly, we overrule appellant's motion without prejudice to presentation of a revised or amended motion.

It is so ordered.

Per Curiam

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