

NO. 07-02-0357-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
JULY 16, 2003

TERRY BOLTON, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 140TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2002-438843; HONORABLE JIM BOB DARNELL, JUDGE

Before QUINN and REAVIS and CAMPBELL, JJ.

ORDER ON MOTION FOR REASONABLE BAIL

By opinion dated June 9, 2003, this Court reformed the trial court's judgment of conviction for attempted burglary of a habitation with intent to commit sexual assault to reflect a conviction for the lesser included offense of criminal trespass, a Class B

misdemeanor. That portion of the judgment assessing punishment was reversed and the cause was remanded to the trial court for a new punishment hearing. Pending before us is appellant's motion for reasonable bail. Pursuant to our request, the State filed a response by which it does not oppose bail being set so long as statutory authority exists for this Court to grant bail. We grant appellant's motion.

Article 44.04(h) of the Texas Code of Criminal Procedure (Vernon Pamph. Supp. 2003), provides that upon reversal of a conviction, a defendant is entitled to release on reasonable bail, regardless of the length of term of imprisonment, pending final determination of the appeal by the State or defendant on petition for discretionary review. The statute further provides this Court shall determine the amount of bail if it is requested before a petition for discretionary review has been filed.

By his motion, appellant asserts that a typical bond in Lubbock County for a Class B misdemeanor ranges from \$750 to \$1,500. He requests reasonable bail be set at no more than \$1,500. It appearing that appellant is entitled to the relief requested, pursuant to article 44.04(h), the Court hereby sets reasonable bail in the amount of \$1,500, conditioned as the law requires.

It is so ordered.

Per Curiam