

NO. 07-04-0245-CR  
NO. 07-04-0246-CR

IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL B

MAY 17, 2006

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ADAM GRIMALDO,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE 137<sup>TH</sup> DISTRICT COURT OF LUBBOCK COUNTY;  
NOS. 98-428,567 & 2003-404,575; HON. CECIL G. PURYEAR, PRESIDING

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***Order on Application for Bail***

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

By opinions dated March 9, 2006, we reversed the conviction and order revoking the probation of appellant Adam Grimaldo and remanded the causes to the trial court for further proceedings. Pending before us is appellant's application for bail.

When a conviction is reversed and the appellant is in custody, article 44.04(h) of the Texas Code of Criminal Procedure requires that he be "entitled to release on reasonable

bail, regardless of the length of term of imprisonment, pending final determination of an appeal by the state or the defendant on a motion for discretionary review." TEX. CODE CRIM. PROC. ANN. art. 44.04(h) (Vernon Supp. 2005). Also, if bail is sought before a petition for discretionary review has been filed, the court of appeals shall determine the amount of bail. *Id.*

We are required to consider certain information in determining the amount of bail. It includes 1) "the length of the sentence and the nature of the offense," 2) the applicant's "work record, family ties, . . . length of residency, ability to make the bond, prior criminal record, and conformity with previous bond conditions," 3) other outstanding bonds, and 4) the aggravating factors, if any, involved in the offense. *Ex parte Rubac*, 611 S.W.2d 848, 849-50 (Tex. Crim. App. 1981). Appellant seeks bail in the amount of \$20,000. Furthermore, the State has represented to the court that it does not object to bail being set.

The information before the court indicates that appellant does have ties to the community and appeared at all of his trial settings while the causes were pending. Accordingly, we grant appellant's request for bail and condition his release on his posting bail in the amount of \$20,000.

Per Curiam

Do not publish.