

“ I disapprove of what you say, but I will defend to the death your right to say it. ”

LETTERS TO THE EDITOR

Voting for levies worth the sacrifices

To the editor:

As a 12-year resident of Delaware County, I have been involved in numerous activities and projects. There are two issues on the August ballot — the rec center and the senior citizens levy — which I am supporting. And here is why.

For more than 10 years I have volunteered with the Council for Older Adults and know from first-hand experience that my investment as a taxpayer is being put to efficient and excellent use to help our elderly neighbors in need. From delivering hot meals and providing personal hygiene care to assisting with medical bills and insurance counseling, the Council for Older Adults helps keep seniors living in their own homes — independently and safely.

It is difficult to argue the many benefits of a rec center. How to financially support a rec center, though, could be debated. But what better way to strengthen our community than to come together and share the financial burden for the benefit of an entire community.

Tracy Whited  
Delaware

With rising gas prices, increasing grocery bills and back-to-school expenses looming, my family may need to make a sacrifice or two ... not eat out so much, ride our bikes more or clip a few more coupons. We all get wrapped up in our own world, taking care of our families, earning a paycheck and trying to enjoy life.

But for me, that quality of life I am trying to enjoy can only be realized through a strong and healthy community that truly supports its youth and elderly.

We are blessed with excellent school systems in this county, a thriving United Way that supports many needs, a compassionate and caring community hospital, strong business partnerships and economic growth and much entrepreneurial spirit. These two ballot issues will help to strengthen this community and send a message that in Delaware County we care about our people — young and old! And what a nice way to say happy 200th Delaware!

Have a sundae for Preservation Parks

To the editor:

This is a note to the community and it's probably the only time anybody will tell you that having an ice cream sundae will be good for you.

The Friends of Preservation Parks is hosting an ice cream social at 3 p.m. July 27 at Emily Traphagen Preserve, 5094 Seldom Seen Road near Powell. This is a true family event because as parents and youngsters you'll not only get some good ice cream, you'll also find out about the Traphagen Preserve as well as the other Delaware County Preservation Parks.

The organization was created in response to a growing need to protect open space and unique natural habitats for the public benefit. We have been volunteers for the past ten years and can tell you that the progress made has been amazing. That's why it's important for everyone to see what has been achieved so voters can make an informed decision for a levy renewal on Nov. 4.

This is a great, dedicated group of people doing a good thing and they deserve our support.

John and Jan  
Brinkerhoff  
Ostrander

State's payday lending bill reckless

To the editor:

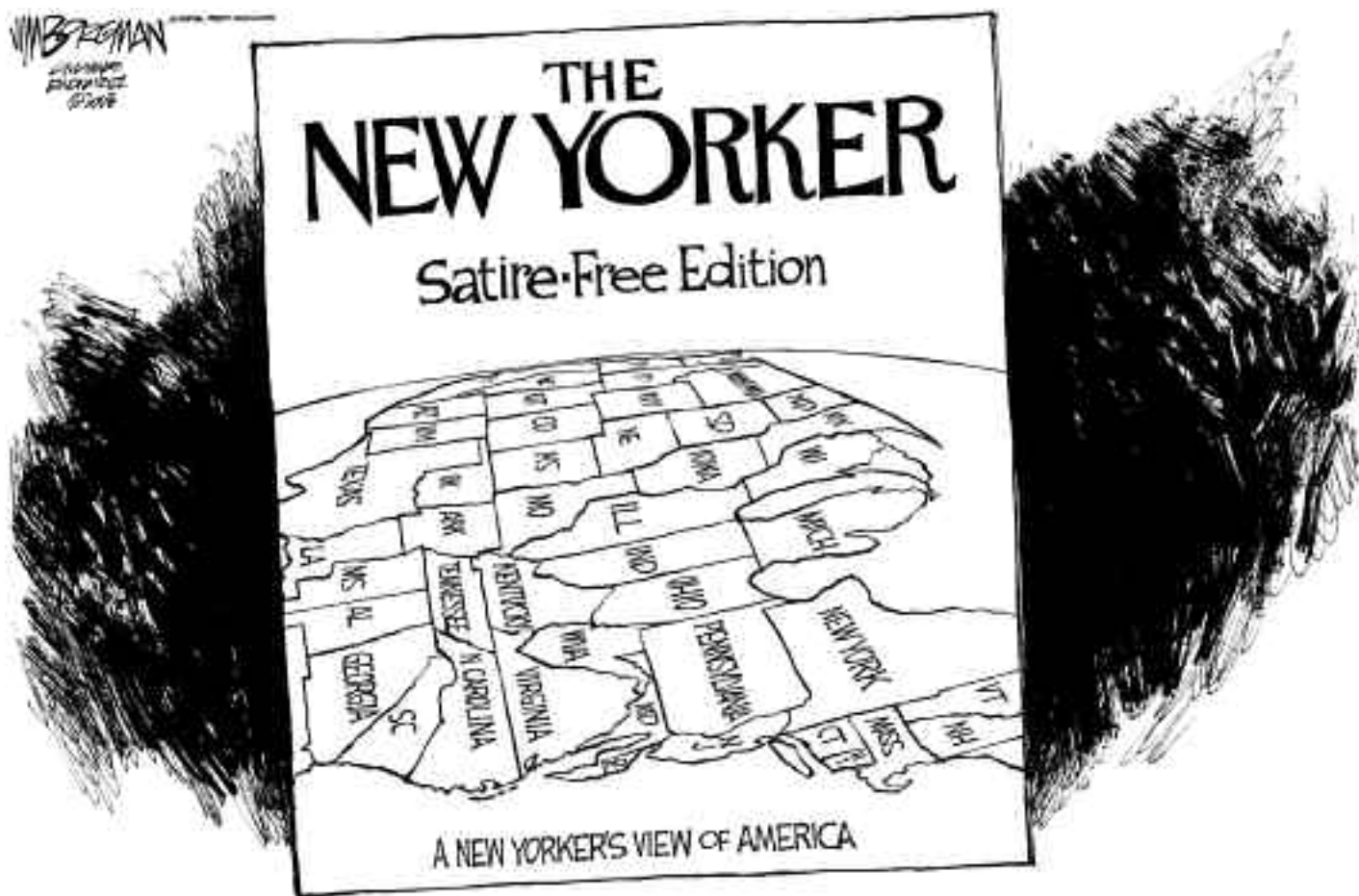
The state will put me out of work with House Bill 545, which is going to cause payday lending businesses to close. This unfair decision has real consequences for people who need these loans and work and own these companies.

My family and I very much depend on my position as market manager at Cashland. I have held this position for four years now and am left wondering what it is that I will do if this law remains in tact. This is an excellent job. Cashland offers all their employees a

stable paycheck and excellent benefits — something that many people can't say their job gives them. Neither myself or employees have ever had to worry about whether or not our jobs would be there next week. So many jobs have left Ohio and even now more are leaving because of this reckless decision.

This is nothing more than the government hurting those who work hard to make an honest living. We should all be against this kind of behavior by those we put in office.

Belinda Olive  
Delaware



A matter of recognizance

“A man of courage never needs weapons, but he may need bail.”  
— Lewis Mumford

“Bail is security for the appearance of an accused to appear and answer to a specific criminal or quasi-criminal charge.”  
— Ohio Revised Code Section 2937.22

The recent Franklin County case involving Allan Patton has again brought the issue of bail, and how or why it is set, into the news. Though the Ohio Revised Code specifically states that bail is intended to ensure that the defendant appears for court, the amount of bail is often viewed as a measure of the seriousness of the crime or how dangerous the defendant is.

As noted in this space several years ago, the concept of bail originated in medieval England, where sheriffs possessed the authority to decide which persons should be held and which should be released. The Magna Carta, the Habeas Corpus Act of 1679 and the English Bill of Rights transferred power away from sheriffs and deposited that power with courts or independent magistrates. The by product of this English development was the Eighth Amendment to the United States Constitution which states that, “excessive bail shall not be required.”

Under Ohio law the amount of bail is left entirely to the discretion of the court. The purpose in setting that bail is not to punish the offender. How could it be? At the stage of the proceeding where bail is set — the initial hearing — the offender has yet to be found guilty of any offense. The law says nothing about increasing the amount of bail if a person is deemed dangerous. Higher amounts of bail in more serious cases are justified because the more serious the penalties, the more motivation a person has to flee.

For the last ten years, the law in Ohio has allowed courts to hold accused persons without bail if three conditions are met. First, the state must show that, “the proof is evident or the presumption great that the



David Hejmanowski  
Case Study

accused committed the offense with which the accused is charged.” Second, the state must show that, “the accused poses a substantial risk of serious physical harm to any person or to the community.” Third, the state must show that, “no release conditions will reasonably assure the safety of that person and the community.”

Bail can be met by depositing money with the court, by posting bonds in the amount of bail, by posting a lien or mortgage against real property or by getting someone else — usually a bail bondsman — to post 10 percent of the bond amount and guaranteeing the rest.

The bail system does not apply to juvenile offenders. Juveniles, by nature of their age and limited or non-existent work history, are presumed not to have the financial resources to make bail and therefore the posting of bail is not a good way of assuring their appearance in court. Further, juveniles have a parent or guardian who can also assist in making sure they appear. In the juvenile system, the Court has the authority to order the juvenile held or released and may hold juveniles if they pose a risk of flight or a danger of causing additional harm.

A person who fails to appear for a hearing can be charged with a new criminal offense. In some cases, the crime of failing to appear is more serious than the crime that led to the original charge. A person who posts bail through a bail bondsman and then fails to appear also runs the risk of being sought by a bounty hunter hired by the bonding company.

Bail is just one tool available to the judiciary to ensure the swift administration of justice. For a more complete history of bail in America, go to the Web site of the California Bail Agents Association at [cbaa.com/images/history.pdf](http://cbaa.com/images/history.pdf).

David Hejmanowski is a magistrate at the Delaware County Probate/Juvenile Court and a former assistant prosecuting attorney.

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When available space is a consideration, shorter letters of 350 words or fewer will be given preference.

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