# CAPTION: GAMBLE V. MCGUFFEY

**12-16-22**

CASE NO.: C-220272

KEY WORDS: HABEAS CORPUS ―EXCESSIVE BAIL ― CRIM.R. 46

SUMMARY:

In a habeas-corpus action alleging excessive pretrial bail, petitioner did not demonstrate extraordinary circumstances entitling him to relief from the trial court’s $750,000 bond: The state charged petitioner with aggravated murder, murder, and felonious assault arising from a chance encounter with the victim inside a bank; the evidence produced at the bail hearing included testimony from a detective who watched surveillance video of petitioner prior to the shooting in which petitioner can be seen following closely behind the victim inside the bank, and surveillance video from a nearby gas station where the shooting occurred showing petitioner continuing to shoot the victim after he had collapsed; the victim’s family members submitted statements detailing their fear for the safety of the community based on the rashness of petitioner’s actions; the trial court noted at the bond hearing that it had concerns regarding petitioner’s mental state and ordered a competency evaluation. [*But see* DISSENT: A petition for habeas corpus based on excessive bail should be granted, and petitioner’s bail should be reduced, where petitioner was found bailable by the trial court, has no prior criminal record, is indigent, and put forth sufficient evidence that he could not afford the $750,000 straight bail, which was not contested by the state at the bond hearing.]

JUDGMENT: WRIT DENIED

JUDGES: OPINION by WINKLER, J.; MYERS, P.J., CONCURS and CROUSE, J., DISSENTS.