

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO. 00-11,809
	:	
	:	
vs.	:	
	:	CRIMINAL DIVISION
DENNIS LOCKCUFF,	:	Bail Motion
Defendant	:	

OPINION AND ORDER

Before the Court is a bail motion which challenges the methodology employed by Lycoming County when 10% cash bail is allowed. Argument was heard January 23, 2001. The Court agrees the present system is flawed.

At issue is an Order dated October 31, 2000, issued by District Justice Kenneth T. Schriener which provides that Defendant's bail be reduced to "Fifty Thousand Dollars (\$50,000), ten percent (10%) cash bail allowed". The surety for the Defendant proceeded to the Prothonotary's Office and tendered \$5,000. She was also required by that office to sign a confession of judgment in the amount of Fifty Thousand Dollars (\$50,000)¹ which was then filed and placed as a judgment of record against her.

Defendant points out this procedure eliminates the distinction between 10% cash bail allowed and good bail which requires the entire amount of the bail ordered to be posted by collateralizing property, securities or cash. The requirement by the Prothonotary's Office of the confession of judgment does, in the Court's view, render the term "10% cash bail allowed" meaningless.

¹Even were the Court to approve of this procedure, only a \$45,000.00 judgment should have been entered, the surety having already posted \$5,000.00 cash.

Accordingly, Defendant's bail motion will be granted.

ORDER

AND NOW, this 1st day of February, 2001 the Prothonotary of Lycoming County is ORDERED AND DIRECTED to satisfy the confession of judgment entered against Defendant's surety, Kam S. Pettingill on November 22, 2000. The Prothonotary is advised that in bail orders providing for 10% cash bail, the surety may post the balance of the bail in an unsecured fashion.

By the Court,

Dudley N. Anderson, Judge

cc: Robert Ferrell, District Attorney
Kyle W. Rude, Esq.
District Justice Kenneth T. Schriener
Gary Weber, Esq.
Hon. Dudley N. Anderson