

STATE OF NEW HAMPSHIRE

HILLSBORO, SS

9TH CIRCUIT - MERRIMACK  
DISTRICT DIVISION

Case No. 457-2012-CR-289

*State v.*  
*Tara Powell*

**MOTION TO WAIVE BAIL COMMISSIONER'S FEE**

Tara Powell moves this honorable Court to waive the bail commissioner's fee in the matter of case # 457-2012-CR-289. In support of this motion Ms. Powell states the following:

1. On 02/13/12 Ms. Powell appeared before Judge Kinghorn to be arraigned and enter a not-guilty plea through her admitted "Attorney-in-Fact," Bradley Jardis.
2. During the arraignment Judge Kinghorn ordered Ms. Powell to pay the \$40 bail commissioner's "fee" immediately.
3. Counsel informed Judge Kinghorn that Ms. Powell presently is unemployed, homeless, and unable to pay the fee. His Honor was not persuaded by this argument and the reference to case law specifically pertaining to this matter.
4. After arraignment, counsel instructed Ms. Powell to comply with Judge Kinghorn's order and to pay the \$40 fee. Ms. Powell informed counsel that she was unable to pay the fee as she did not have the funds to do so.
5. *"The bail commissioner must inform arrestees of the date they could come before the court if they choose not to have bail set. The bail commissioner must also hold a bail hearing whether the fee is paid or not, and must inform arrestees that a hearing will be held regardless of whether the fee is paid. The bail commissioner must also*

*inform arrestees that if they cannot pay the fee at the time of setting bail, then the fee may be paid over time or it will be waived for indigency.”* (emphasis added) Follansbee v.

Plymouth Dist. Court (2004) 151 N.H. 365, 856 A.2d 740.

6. A sworn affidavit is included with this motion attesting to the fact that Ms. Powell is indigent.

**Prayer for Relief**

WHEREFORE, Tara Powell, requests this honorable Court grant the following relief:

- A. Waive the bail commissioner’s fee in this matter; and
- B. Grant any other relief this honorable Court deems just and proper.

Respectfully submitted,  
Tara Powell

**02/13/12**

By  
Bradley Jardis  
42 Main Street #27  
Dover, NH 03820

I hereby certify that on the above date, a copy of this motion was delivered to the Bedford Police Department for the Bedford Police Prosecutor.

Bradley Jardis