

*Posting Bail (continued)*

These fees are forwarded to the State unless there is a finding of “Not Guilty” or “Dismissal” without costs. In these cases, the State and surcharge fees will be returned to the person that posted the bond.

**When Will They Get Out of Jail?**

Once the bail is posted, the jail is sent a release form. The physical release of the prisoner is now the responsibility of the Greene County Sheriff's Office. To find out about the specific person you are concerned about, contact the Greene County Jail at 937-562-4840.

**What Happens Next?**

If the defendant has been charged with a misdemeanor offense, the case will be heard in the Xenia Municipal Court and defendants will receive notice of their next court date. Felony cases are presented to a Grand Jury for consideration. One of two things will result from the Grand Jury: the case will be dismissed, or it will be bound over to the Court of Common Pleas. If the latter happens, the case continues, including the bond, where new hearings will be set. The bond could be changed in Common Pleas Court. If the case is dismissed in the Xenia Municipal Court, everything including the bond is dismissed. However, the Grand Jury could

indict the defendant on the same charge(s) and the case would begin anew in the Common Pleas Court.

**How Do I Get My Bail Money Back?**

When the defendant's case is completed and bond money can be returned, the Clerk's Office will send the person who posted the bail a refund check by regular mail after all fines and costs of the case are paid in full. To receive a refund in person, you must present photo identification and come during normal Court business hours. If you have specific questions about bail you posted, you may call the Clerk's Office main number.

**Xenia Municipal Clerk of Court's  
Criminal / Traffic Division  
937-376-7294**

**Monday-Wednesday: 7:30am-4:30pm  
Thursday-Friday: 7:30am-4:00pm  
(excluding holidays)**

**Greene County Jail  
937-562-4840  
Call anytime**

**Greene County Common Pleas Clerk's  
Office  
937-562-5290  
Monday-Friday: 8:00am-4:30pm  
(excluding holidays)**

**Posting  
Bail in the  
Xenia  
Municipal  
Court**



# Posting Bail



Posting bail for a loved one or friend can be confusing. Although our deputy clerks are trained to help you through this process, we realize that you may have many questions when considering posting bail.

## When and How is Bail Posted?

The purpose of bail is to ensure that people charged with offenses appear at all scheduled court hearings. Bond is set one of two ways: 1. It could be set based on the offense charged prior to arraignment, or 2. It could be set by the Judge at arraignment. If the person is charged with an offense that has a predetermined bond, you may post bail at any time after the person is in jail. The Judge will usually set bond in arraignment court for all other cases. Arraignments for persons being held in jail are usually 24-48 hours following his/her arrest. The Clerk's office can tell you when a defendant is scheduled for arraignment.

## Where is Bail Posted?

Bail is posted for a person in jail with Municipal Court charges on the second floor of the City Building, 101 N. Detroit St., Xenia, Ohio during normal

business hours. Payment for bail can be made by cash, VISA, MasterCard, Discover, certified check or from an approved bondsman (see section re: bondsmen). If paying by credit card, the cardholder must be present.

## What different kinds of bonds does XMC recognize?

The Xenia Municipal Court recognizes three kinds of bonds.

10% Bond: The Court order may indicate that only 10% of the full amount of the bond is required to be posted. For example, if a \$10,000 10% bond is set; you will only need to post the \$1,000 with the Clerk's Office for the defendant to be released. If the defendant attends all court appearances and pays all fines and costs associated with that case, 90% of the money posted will be returned. In this example, you would receive a check for \$900. If, however, the defendant misses a court appearance, you could be liable for the remainder of the bond set. In this example, you would owe the court \$9,000. (NOTE: see the section, "Are There Other Fees Charged")

## Cash/Surety No 10% Bond:

This bond requires that entire amount of the bond that has been set must be posted before the defendant may be released. If the defendant attends all court hearings and pays

all fines and costs associated with that case, we will return all the money you posted for bail.

OR Bond: With this bond, no money amount is required. This may only be ordered by the Judge.

In all cases a bondsman from an insurance company may be secured that will guarantee the amount of the bond will be paid (the 10% or full amount—depending on what is required) in the event that the defendant does not appear for a scheduled court hearing. Representatives of bonding companies are not agents of the Court nor are they employed by the Court. Bonding companies can be found by looking in the Yellow Pages of the telephone directory. The fee of a bonding company is set by that particular company, but is normally 10% of the bond that is set.

## Are There Other Fees Charged?

Yes. Before releasing the defendant, the Clerk must charge State fees of \$39 in misdemeanor cases and \$60 in felony cases. There is also a \$25 surcharge fee that will be assessed to all cases that secure cash or surety bonds. Thus the total amount of State fees assessed to misdemeanors is \$64 and \$85 for felony cases.