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Expert explains bail isn't about guilt

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Expert explains criteria for bond

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GASTONIA, N.C. -- Michael Mead, charged with first-degree murder, rape and arson in Gaston County, could leave jail on bond.

The Fort Mill, S.C., man is accused of shooting his pregnant fiancé, Lucy Johnson, and then setting her house on fire to cover up his crime. The capital case has a lot of frustrated people asking "why" a \$650,000 bond was set for a man who'd previously been denied.

"A bail system is not a decision on guilt," Charlotte School of Law professor Sandra Jordan emphasized. "Defendants are presumed innocent until proven otherwise."

We have placed several phone calls to Superior Court Judge Richard Boner to ask for more information on his decision to allow bail. He has not returned those calls.

The text of the North Carolina statute on bail reads as follows:

(c) In determining which conditions of release to impose, the judicial official must, on the basis of available information, take into account the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, and mental condition; whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision; the length of his residence in the community; his record of convictions; his history of flight to avoid prosecution or failure to appear at court proceedings; and any other evidence relevant to the issue of pretrial release.

Jordan says the primary concern of a judge in determining bail should be if the defendant will show up for trial. Mead turned himself in when the arrest warrant was first issued.

"That is indeed a brownie point in favor of the defendant," Jordan said.

Mead does have a criminal record. His attorney says none of the offenses are violent.

A separate section of the law addresses the issue of the defendant's threat to the community or to anyone involved in the case. It gives judges authority to make the decision to keep the defendant in jail, or to issue conditions of the bond to restrict the defendant's freedom to interact with certain people.

Michael Mead is charged with stalking and harassment in York County, South Carolina. The victim in the case is Jim Spelock, an ex-boyfriend of Lucy Johnson's and the father of her youngest child. The charges stem from an incident after Johnson's murder in July.

Gaston County District Attorney Locke Bell also confirms that several women have come forward, claiming to be afraid of Mead. "Most judges are able to consider that at a bail hearing. The bail hearing would not limited to just the charges pending before the court in this judicial district," Jordan said. "A judge should look at that, a judge should look at that."

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Jordan says the strength of the evidence against Mead should also factor into the judge's decision. Without his input, we don't know if and how that impacted Judge Boner's decision.