

**TESTIMONY OF ANDREA R. YAGODA OPPOSING  
SENATE JOINT RESOLUTION 5  
SENATE JUDICIARY COMMITTEE**

Chair Manning, Vice Chair McColley, Ranking Member Thomas, and Members of the Senate Judiciary Committee thank you for affording me the opportunity to testify today. My name is Andrea R. Yagoda, and I live in Delaware County, Ohio and have been a resident of Ohio for forty eight (48) years. I am a retired attorney. I began my legal career as a Public Defender in the Franklin County office. For years after I left that office I continued to practice criminal law. Thank you for the opportunity to present testimony opposing House Joint Resolution 2.

As a Public Defender and a private attorney engaged in the practice of criminal law I personally witnessed the disparate treatment inherent in our present day bail system which undoubtedly favors those with financial means over those that do not have those means. Those who could not afford bail remain in jail while awaiting trial, those with adequate financial resources did not. Although there are speedy trial requirements those limits are oftentimes waived. By way of example, Motions to Suppress suspend the speedy trial requirements until ruled upon. Some courts have held that Demands for Discovery suspend the time as well.<sup>1</sup> It is unthinkable that a defense attorney, whose client is in jail awaiting trial, should have to consider whether to file these motions/demands to protect a client in order to speed the process along and yet forced to do so. When a client is out of jail that is not the case. Being held in jail pending trial has

---

<sup>1</sup> I have been retired since 2014 and cases may have changed since then.

many ramifications. It isolates one from family, and normally causes one to lose his/her employment. I oppose SJR 5 because it does nothing to improve our failed bail system.

I also oppose these changes because:

- I oppose wealth-based detention. On any given day, there are as many as 12,000 legally innocent people held in Ohio's jails, many of whom are locked up because they cannot afford the cash bail amount set in their case.
- I am concerned about public safety because currently people are released based on how much money they have, not because they pose a threat.
- I am troubled by the significant racial disparities that have been identified in cash bail setting practices.
- I have personally observed the inequities inherent in the current system and the harm it inflicts.

There is already meaningful, well-thought-out comprehensive bail reform legislation before in House Bill 315. House Bill 315 makes our communities safer by giving courts and prosecutors tools to protect public safety while at the same time ending the wealth-based detention that harms so many of our neighbors. By way of example only if an accused is deemed to be a danger the court can require s/he wear an ankle bracelet, can require counseling, drug treatment, order the accused to stay away from the victim and his/her family. Additionally, the prosecutor can request that an accused be held without bond. The court decides after a hearing. Excessive bail should not be used as a substitute for such a hearing. Ohioans like me do not want or need SJR 5, and I urge you to vote no on it. Thank you again for the opportunity to provide testimony.

*Andrea R. Yagoda*

