ATTORNEY FOR APPELLANT

Thomas M. Leatherman
Leatherman and Miller Law Office
Goshen, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Sierra A. Murray
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Ruby Barcenas Medina,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

May 19, 2022

Court of Appeals Case No. 22A-CR-167

Appeal from the Elkhart Circuit Court

The Honorable Michael A. Christofeno, Judge

Trial Court Cause No. 20C01-2110-F4-59

Tavitas, Judge.

Case Summary

[1] The State charged Ruby Barcenas Medina with causing death when operating a motor vehicle while intoxicated, a Level 4 felony, and causing death when operating a vehicle with a Schedule I or II controlled substance, or its

metabolite, in her blood, a Level 4 felony. The trial court set bail at $150,000. Medina requested that the trial court release her or reduce her bail. The trial court denied these requests, and Medina filed a motion to reconsider and a motion to correct error, both of which the trial court denied. Medina appeals and claims that the trial court abused its discretion when it denied her requests to be released or reduce her bail. Because we conclude that the trial court did not abuse its discretion in denying Medina's requests, we affirm.

Issue

[2] Medina presents one issue, which we restate as whether the trial court abused its discretion by denying Medina's requests to be released or to reduce her bail.

Facts

[3] On July 29, 2021, police responded to the scene of an automobile crash in Elkhart County. When the police arrived, they saw a black Chevrolet facing east in the north side of the road. The passenger, who Medina has referred to in court filings as her boyfriend, was pronounced dead at the scene. Medina, who was only seventeen years old at the time, admitted to the officers that she had been driving the vehicle. The police transported Medina to a nearby hospital, where a sample of her blood was taken for analysis. The Indiana Department

of Toxicology subsequently determined that Medina's blood contained 5.4 nanograms of delta 9 tetrahydrocannabinol[1] per milliliter of her blood.

[4] On October 12, 2021, the State charged Medina with one count of causing death when operating a motor vehicle while intoxicated, a Level 4 felony, and one count of causing death when operating a vehicle with a Schedule I or II controlled substance, or its metabolite, in her blood, a Level 4 felony. That same day, the trial court issued a warrant for Medina's arrest on these charges and set bail at "$150,000 corporate surety only."[2] Appellant's App. Vol. II p. 17. This amount is significantly greater than that set by the local bail schedule of $10,000. *See* Elkhart County Local Rule LR20-CR00-CRBS-13(A). Medina was arrested on the warrant on October 14, 2021.

[5] An initial hearing was held on October 21, 2021, at which Medina's counsel requested that the probation department prepare a bond report. The trial court granted the request and ordered a bail reduction hearing to be held on November 18, 2021. The probation office completed a bond report on

---

[1] Tetrahydrocannabinol, commonly abbreviated as THC, is the main active chemical in marijuana. *Radick v. State*, 863 N.E.2d 356, 359 (Ind. Ct. App. 2007). *See also* https://www.drugabuse.gov/drug-topics/marijuana (explaining that marijuana contains "[a] mind-altering chemical delta-9-tetrahydrocannabinol (THC) and other related compounds") (last visited April 18, 2022).

[2] The parties use the terms "bail" and "bond" without much distinction. "Bail in criminal proceedings is defined as security necessary to release a person from custody and to assure his or her appearance before the proper court whenever required." 3 IND. LAW ENCYC. Arrest, Bail, and Recognizance § 19 (2022). A "bail bond" means "a bond executed by a person who has been arrested for the commission of an offense, for the purpose of ensuring: (1) the person's appearance at the appropriate legal proceeding; (2) another person's physical safety; or (3) the safety of the community." Ind. Code § 35-33-8-1.

November 16, 2021. The bond report noted that: (1) Medina's IRAS[3] score placed her within the moderate risk to reoffend; (2) Medina admitted to drinking alcohol since she was sixteen years old and using marijuana since she was fifteen years old; (3) Medina admitted to using marijuana approximately twice per week and continued to use marijuana after the accident, including the day of her arrest; (4) Medina was grieving her friend's death and had "blocked everything out of her head." Appellant's App. Vol. II p. 22. The bond report recommended against reducing Medina's bond.

[6] At the November 18, 2021, bail reduction hearing, Medina indicated that the bond report did not contain any errors, and the trial court accepted the report as filed. Medina argued that her bail should be reduced and, preferably, that she be released without bail. The trial court denied Medina's motion to reduce her bail and her request to be released without bail. The trial court noted that Medina had admitted to using drugs and alcohol. The trial court also noted the serious nature of the alleged offenses and stated, "[i]t's my experience that, when people face a substantial amount of time in incarceration, that they tend not to show up for hearings." Tr. Vol. II p. 20.

[7] Medina filed a motion to reconsider on November 22, 2021. Medina attached to her motion an offer to prove setting forth the facts she intended to establish at a hearing on her motion to reconsider. The State agreed that, for purposes of

---

[3] "IRAS" or "IRAS-PAT" refers to the "Indiana Risk Assessment System's Pretrial Assessment Tool[.]" *DeWees v. State*, 180 N.E.3d 261, 263 (Ind. 2022).

ruling on Medina's motion, the trial court could consider the facts stated therein as true, thereby obviating the need for witnesses. The trial court agreed to do so and held a hearing on the motion to reconsider on December 16, 2021. At the conclusion of the hearing, the trial court took the matter under advisement. Before the trial court ruled on the motion to reconsider, however, Medina filed a motion to correct error on December 18, 2021. On January 11, 2022, the trial court issued an order denying Medina's motion to reconsider and motion to correct error. Medina filed a notice of appeal on January 24, 2022.[4]

[8] On January 26, 2022, Medina filed in this Court a motion to stay and release or set bond. The motions panel of this Court denied Medina's motion on February 21, 2022. Undeterred, Medina filed a motion to reconsider on February 22, 2022, which we also denied.[5]

Analysis

I. Standard of Review

[9] Medina argues that the trial court abused its discretion by denying her requests to be released or to reduce her bail. On appeal, "[a]n abuse-of-discretion standard of review applies to a trial court's bail determination." *DeWees v. State*, 180 N.E.3d 261, 264 (Ind. 2022) (citing *Perry v. State*, 541 N.E.2d 913, 919 (Ind.

---

[4] We have repeatedly held that the denial of a motion to reduce bail is a final judgment appealable as of right. *Lopez v. State*, 985 N.E.2d 358, 360 (Ind. Ct. App. 2013); *Winn v. State*, 973 N.E.2d 653, 655 (Ind. Ct. App. 2012); *Sneed v. State*, 946 N.E.2d 1255, 1256 (Ind. Ct. App. 2011) (citing *State ex rel. Peak v. Marion Criminal Court Div. One*, 246 Ind. 118, 121, 203 N.E.2d 301, 302 (1965)).

[5] On April 6, 2022, Medina filed a motion to expedite consideration of her appeal. Contemporaneous with this decision, we are issuing an order denying Medina's motion as moot.

1989)). "A trial court abuses its discretion if its 'decision is clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom.'" *Id*. (quoting *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007)). "In determining whether an abuse of discretion occurred, we may not reweigh the evidence, but will consider only the evidence favorable to the judgment." *Schmitt v. State*, 108 N.E.3d 423, 428 (Ind. Ct. App. 2018) (citing *Catt v. State*, 749 N.E.2d 633, 640 (Ind. Ct. App. 2001), *trans. denied*).

II. Criminal Rule 26

[10] Bail decisions are governed in part by Indiana Criminal Rule 26, which provides in relevant part:

> (A) If an arrestee does not present a substantial risk of flight or danger to themselves or others, the court should release the arrestee without money bail or surety subject to such restrictions and conditions as determined by the court except when:
>
> (1) The arrestee is charged with murder or treason.
>
> (2) The arrestee is on pre-trial release not related to the incident that is the basis for the present arrest.
>
> (3) The arrestee is on probation, parole or other community supervision.
>
> (B) In determining whether an arrestee presents a substantial risk of flight or danger to self or other persons or to the public, the court should utilize the results of an evidence-based risk assessment approved by the Indiana Office of Court Services, and such other information as the court finds relevant. The court is not required to administer an assessment prior to releasing an

arrestee if administering the assessment will delay the arrestee's release.

(C) If the court determines that an arrestee is to be held subject to money bail, the court is authorized to determine the amount of such bail and whether such bail may be satisfied by surety bond and/or cash deposit. . . .

III. Bail Statutes

[11] Indiana Code Section 35-33-8-5, which grants both the State and the defendant an opportunity to seek alteration or revocation of bail, provides in relevant part:

(a) Upon a showing of good cause, the state or the defendant may be granted an alteration or revocation of bail by application to the court before which the proceeding is pending. . . .

* * * * *

(c) When the defendant presents additional evidence of substantial mitigating factors, based on the factors set forth in [Indiana Code Section 35-33-8-4(b)], which reasonably suggests that the defendant recognizes the court's authority to bring the defendant to trial, the court may reduce bail. However, the court may not reduce bail if the court finds by clear and convincing evidence that the factors described in IC 35-40-6-6(1)(A) and IC 35-40-6-6(1)(B)[6] exist or that the defendant otherwise poses a risk to the physical safety of another person or the community.

---

[6] This statute provides that the State must file a motion to revoke bond or order for personal recognizance where a victim submits an affidavit asserting that "an act or threat of violence or intimidation has been made against the victim or the immediate family of the victim," such act or threat "has been made by the defendant or at the direction of the defendant," and "the prosecuting attorney has reason to believe the allegations in the affidavit are true and warrant a filing of a motion for bond revocation." Ind. Code § 35-40-6-6.

[12] The factors referenced in this statute are set forth in Indiana Code Section 35-33-8-4(b) as follows:

> (1) the length and character of the defendant's residence in the community;
>
> (2) the defendant's employment status and history and his ability to give bail;
>
> (3) the defendant's family ties and relationships;
>
> (4) the defendant's character, reputation, habits, and mental condition;
>
> (5) the defendant's criminal or juvenile record insofar as it demonstrates instability and a disdain for the court's authority to bring the defendant to trial;
>
> (6) the defendant's previous record in not responding to court appearances when required or with respect to flight to avoid criminal prosecution;
>
> (7) the nature and gravity of the offense and the potential penalty faced, insofar as these factors are relevant to the risk of nonappearance;
>
> (8) the source of funds or property to be used to post bail or to pay a premium, insofar as it affects the risk of nonappearance;
>
> (9) that the defendant is a foreign national who is unlawfully present in the United States under federal immigration law; and
>
> (10) any other factors, including any evidence of instability and a disdain for authority, which might indicate that the defendant might not recognize and adhere to the authority of the court to bring him to trial.

IV. DeWees v. State

[13] Our decision today is controlled by our Supreme Court's recent opinion in *DeWees v. State*, 180 N.E.3d 261 (Ind. 2022). In that case, the State charged DeWees as an accomplice to burglary with a deadly weapon. Specifically, the State alleged that DeWees drove three men to the home of the sixty-seven-year-old victim, where the men broke into the home while armed with a shotgun, and eventually exchanged gunfire with the victim, resulting in injury to one of the defendants. DeWees's IRAS score designated her as a "moderate" risk of re-arrest and failure to appear. *Id.* at 263. The trial court set bond at $50,000, cash-only, with no option of paying ten percent. DeWees moved for pretrial release or a reduction in her bail.

[14] At the bail-reduction hearing, DeWees testified that she was eighteen years old, was a high-school senior, lived in Fillmore, Indiana, with her mother and stepfather since 2008, visited her father in Carmel, Indiana, every other weekend, worked part time prior to the COVID-19 pandemic, and had no juvenile or criminal history. She did admit to occasional drug use. DeWees further agreed to obey a no-contact order issued in favor of the burglary victim and explained that she would abide by all conditions of home detention if so ordered. Although DeWees did not have the money to pay for the bail, she and her mother were saving money to do so. The victim testified that he lived in a constant state of fear since the burglary and feared that DeWees might commit another crime if released.

[15] The trial court denied DeWees's motion. Although the trial court acknowledged DeWees's strong family ties, lack of criminal record, and no evidence of bad character, the trial court cited in support of its ruling: (1) the "extremely serious" nature of the offense with which DeWees was charged, (2) the victim's testimony that he lived in fear, (3) DeWees's IRAS score and unemployment status, and (4) her distance from the community if she lived with her father. DeWees appealed, and this Court reversed. *DeWees v. State*, 163 N.E.3d 357 (Ind. Ct. App. 2021), *trans. granted, opinion vacated*.

[16] On transfer, our Supreme Court affirmed the judgment of the trial court. Before addressing DeWees's arguments, the Court first noted the recent emergence of a "new theory of detention—one that relies on actuarial models of prediction and evidence-based practices to determine offender risk." *DeWees*, 180 N.E.3d at 265. The Court listed Criminal Rule 26 as "emblematic of this approach," and explained that "[a]t its core, [Criminal Rule 26] aims to reduce pretrial-detention expenses for local jails (and taxpayers generally), enable defendants awaiting trial to return to their jobs and support their families, and enhance the benefits of reduced recidivism and improved public safety." *Id*. at 265-66. To accomplish these goals:

> Criminal Rule 26 urges trial courts to use the results of an evidence-based risk assessment when determining whether to release a defendant before trial. This assessment, based on empirical data derived through validated criminal justice scientific research, aims to assist a court in evaluating the likelihood of a defendant committing a new criminal offense or failing to appear in court. Evidence-based practices in the

> criminal-justice system have shown considerable promise in recent years. Indeed, research indicates that the IRAS-PAT itself has strong to moderate predictive validity when assessing risk for failure to appear and re-arrest during the pretrial stage.

Id. at 266 (citations and internal quotations omitted).

[17] The *DeWees* Court then summarized the procedure trial courts must follow when setting or modifying bail. First, the trial court must consider, among other factors, the result of the IRAS assessment, if available. *Id*. at 267 (citing Ind. Code § 35-33-8-3.8(b). "If the trial court finds, based on the results of its assessment, that a defendant presents no 'substantial risk of flight or danger' to himself or to others, 'the court shall,' with certain exceptions, 'consider releasing the arrestee without money bail or surety.'" *Id*. (quoting I.C. § 35-33-8-3.8(b)). "After considering the IRAS results, other relevant factors, and bail guidelines described in [Indiana Code Section 35-3-38-3.8]," the trial court may (1) "'admit a defendant to bail' and require the defendant to execute a bail bond, (2) "restrict the defendant's activities," (3) "place the defendant under supervision," or (3) "impose any other 'reasonable'; conditions on the defendant's release. *Id*. (quoting Ind. Code § 35-33-8-3.2(a)).

[18] If the trial court determines that money bail is necessary as a condition of release, then "the court 'shall consider,' when 'setting and accepting an amount of bail,' the results of an IRAS (when available) 'and other relevant factors,' along with "all facts relevant to the risk of nonappearance." *Id.* (citing I.C. § 35-33-8-3.8).

[19] Lastly, a trial court "may reduce the amount of bail when a defendant presents 'evidence of substantial mitigating factors.'" *Id*. (citing Ind. Code § 35-33-8-5(c)). These factors, the same as those a court must consider when setting and accepting an amount of bail, must "reasonably" suggest "that the defendant recognizes the court's authority" over him or her. *Id.* (quoting I.C. § 35-33-8-4(b)).

[20] However, "[a] trial court may not reduce bail—and in fact may increase bail or revoke bail entirely—if it finds by 'clear and convincing' evidence that the defendant 'poses a risk to the physical safety of another person or the community.'" *Id*. (quoting I.C. §§ 35-33-8-5(b)–(d)). "[T]his statutory scheme imparts considerable judicial flexibility in the execution of bail," and Criminal Rule 26 and the adoption of evidence-based practices in the administration of bail "results in no change to this judicial flexibility." *DeWees,* 180 N.E.3d at 268.

[21] Similarly, Criminal Rule 26 "strongly **encourages** pretrial release for many accused individuals awaiting trial," and this is "especially true for persons charged with only non-violent and low-level offenses." *DeWees*, 180 N.E.3d at 268 (bold emphasis in original). Thus, "[i]f a defendant presents no 'substantial risk of flight or danger' to others, the [trial] court **must** consider releasing the defendant 'without money bail or surety,' subject to any reasonable conditions deemed appropriate by the [trial] court." *Id*. (quoting I.C. § 35-33-8-3.8(a); I.C. § 35-33-8-3.2(a)) (bold emphasis in original). If, however, "a person poses a risk

of flight or a risk to public safety, Criminal Rule 26 in no way hinders a trial court's ability to set bond in an amount sufficient to curtail such risks." *Id*.

[22] The *DeWees* Court held that there was sufficient evidence to support the trial court's bail decision. *Id*. at 269. The Court acknowledged that there were factors supporting a decision to release DeWees or reduce her bail. *Id*. Ultimately, however, the Court concluded that there was sufficient evidence to support the trial court's finding that DeWees posed a risk to the safety of the victim, i.e., the victim's fear, the serious nature of the offense charged, and the proximity of DeWees to the victim if she were released. *Id*. at 269-70.

[23] The *DeWees* Court also concluded that there was sufficient evidence to support the trial court's finding that DeWees posed a flight risk. *Id*. at 270. The Court specifically noted the length of the potential penalty DeWees faced, thirty years, and the IRAS score that placed her in the moderate risk to reoffend. *Id*. The Court concluded:

> To be sure, several factors—DeWees's strong family ties, her lack of criminal record, and no evidence of past bad character — certainly militate against denying DeWees's motion. But when, like here, the trial court followed the appropriate procedural safeguards and the evidence provides sufficient support for its ruling, we refrain from interfering with the trial court's discretion—even when, like here, we consider it a close call.

Id. at 271.

[24] We read *DeWees* as emphasizing the deference appellate courts must give to trial court determinations regarding bail. So long as the trial court follows the proper procedure, and the trial court's decision is based on the facts and circumstances in the record, we must affirm its decision, even if we believe the court made the wrong call. It is with this in mind that we address Medina's claims.

V. Medina's Arguments

A. Substantial Flight Risk

[25] Medina argues that the trial court erred by finding that she is a substantial flight risk. Medina notes that she: (1) has lived her entire life in Elkhart County; (2) has lived at the same address with her parents since she was twelve years old; (3) was employed full-time at the time of the car crash, which occurred in the summer before her senior year in high school; (4) has no criminal history; (5) did not flee in the months between the crash and her arrest; and (6) has no passport.

[26] We note, however, that the State charged Medina with two Level 4 felonies, both of which relate to the death of Medina's friend. Thus, she is not charged with a low-level or non-violent offense. *Cf. DeWees*, 180 N.E.3d at 268 (observing that Criminal Rule 26 strongly encourages pretrial release of those persons charged with only non-violent and low-level offenses). We also note that the sentence range for a Level 4 felony is two to twelve years. Ind. Code § 35-50-2-5.5. The trial court indicated that Medina faced a maximum sentence

of twenty-four years, which would only be the case if she were convicted and sentenced on both counts. But even assuming that double jeopardy would prevent Medina from being convicted and sentenced on both counts, she still faces a potential sentence of twelve years. The trial court specifically noted that, in its experience, those facing longer sentences often fail to appear for trial. This observation was confirmed in *DeWees*, where the Court noted that a potentially lengthy sentence "'tends to increase the risk that [the defendant] will fail to appear for trial" and this "cuts substantially against [the] argument that the trial court abused its discretion' by denying a motion to reduce bail." *DeWees*, 180 N.E.3d at 270 (quoting *Sneed v. State*, 946 N.E.2d 1255, 1258-59 (Ind. Ct. App. 2011)).

[27] Nor can we say that the trial court erred in considering that Medina's continued use of illicit substances, even after the car crash that resulted in the death of her friend, demonstrates a certain "disdain for the law" that increases the likelihood that she might fail to appear for trial if a high bail were not set. Appellant's App. Vol. II, pp. 22, 45.

[28] To be sure, there was evidence before the trial court that would have supported reducing Medina's bail or releasing her with certain conditions. But given our Supreme Court's holding in *DeWees,* and the deference we must give to the trial court's decision, we feel compelled to affirm the trial court's finding that Medina posed a flight risk.

B. Danger to Herself or Others

[29] Medina also argues that the trial court erred in finding that she posed a danger to herself or others. Medina notes that she has never been charged with a criminal offense prior to the instant case, nor has she ever been involved in the juvenile justice system. She further notes that the victim's family is not afraid of her and does not want her to remain in jail.

[30] The trial court, however, noted that Medina admitted to having a history of using alcohol and marijuana from a young age. It was especially concerned that Medina admitted to continued use of marijuana after the accident that resulted in the death of her friend, an accident that is alleged to have involved her use of marijuana.[7] *See DeWees*, 180 N.E.3d at 267 (listing among the factors a trial court must consider when setting bail "the defendant's character, reputation, habits, and mental condition," and "the nature and gravity of the offense and the potential penalty"). The trial court also relied on Medina's IRAS score—a score which, like that of the defendant in *DeWees*, places her in the moderate risk to reoffend. *See id*. at 270. Under these circumstances, and with the broad discretion afforded to trial courts on bail decisions, as emphasized in *DeWees*, we cannot say that the trial court erred by finding that Medina posed a danger to others.

---

[7] Medina also argues that, at trial, it is "not likely there will be any evidence that Medina's driving ability was affected by the THC in her blood." Appellant's Br. at 15. Medina also appears to believe that she has a statutory affirmative defense to the charged offenses. The State, of course, disagrees with both assertions. We express no opinion on Medina's potential defenses and her likelihood of success thereon.

C. Bond Report and IRAS Score

[31] Medina claims that the trial court improperly delayed its ruling on Medina's bail-related motions by waiting for the IRAS assessment and bond report to be completed. When the trial court asked Medina's counsel, "were you by chance going to request a bond report to be ordered," Medina's counsel stated "Yes, your Honor, we wanna [sic] discuss the bond as soon as we can[.]" Tr. Vol. II p. 7. Thus, not only did Medina not object to the preparation of a bond report, which would take time, she affirmatively requested that such a report be made. Medina cannot now complain that the trial court should not have waited for the bond report to be prepared. *See Batchelor v. State*, 119 N.E.3d 550, 556 (Ind. 2019) (noting that a failure to object to alleged error results in waiver of that claim on appeal and an affirmative request by a party can be invited error).

[32] Further, Criminal Rule 26 specifically encourages trial courts to consider IRAS assessments in making its bail decisions: "In determining whether an arrestee presents a substantial risk of flight or danger to self or other persons or to the public, the court should utilize the results of an evidence-based risk assessment approved by the Indiana Office of Court Services[.]" Crim. Rule 26(B). In a similar fashion, "Indiana Code section 35-33-8-3.8 *mandates* a trial court to '**consider** the results' of an IRAS (if available)." *DeWees*, 180 N.E.3d at 268. Thus, although a trial court is not required to rely on the results of an IRAS assessment, it is encouraged. *Id*. We, therefore, cannot fault the trial court for waiting until such an assessment had been completed before ruling on Medina's requests.

[33] Medina also complains that the bond report contained no detail regarding her IRAS score and that the IRAS assessment itself was not filed with the court. The bond report, however, contained Medina's responses to the IRAS questions and explicitly stated that her IRAS score placed Medina in the category of "moderate risk" to reoffend. Appellant's App. Vol. II. pp. 22-24. When the trial court asked Medina if there were any corrections that needed to be made to the bond report, Medina's counsel responded, "no." Tr. Vol. II p. 13. The trial court then stated, "Bond report is approved as filed," and Medina did not object. Medina's failure to object to the trial court's use of the bond report waives any claim regarding the propriety of the trial court using this report. *See Washington v. State*, 808 N.E.2d 617, 625 (Ind. 2004) ("[A] trial court cannot be found to have erred as to an issue or argument that it never had an opportunity to consider."). Medina also did not ask the trial court to include the IRAS assessment in the record, and accordingly, she cannot claim error in the trial court's failure to include the IRAS assessment in the record.

D. Amount of Bail

[34] Medina also argues that, even if we agree with the trial court that she should not be released outright, the bail amount set by the trial court was so high that she cannot afford it. Medina notes that she is a high-school age teenager who still lives with her parents and cannot work while incarcerated. The trial court acknowledged that the bail it set was high, but it also noted that Medina would have to pay only approximately $15,000 to a bond agent to post her bail. Tr. Vol. II pp. 11, 13. We too agree that this bail amount is high—fifteen times

higher than the amount set in the local bail schedule. But the bail schedule is advisory, not mandatory. And we cannot ignore that Medina would have to raise only approximately ten percent of that amount to post a bail bond. Given the trial court's findings regarding Medina's flight risk and the danger she posed to others if released, we cannot say that the trial court abused its discretion by setting Medina's bail at $150,000 with a bail bond of approximately $15,000. *See DeWees*, 180 N.E.3d at 269-70 (affirming cash-only bail of $50,000 for one Level 2 felony). *Cf. Reeves v. State*, 923 N.E.2d 418, 422 (Ind. Ct. App. 2010) (holding that bail of $1,500,000 was excessive where it was 100 times greater than the amount recommended by local rule for a Class C felony).

Conclusion

[35] We emphasize that our role is not to say whether we agree with the trial court's decision in the first instance, i.e., whether we would have made the same call as did the trial court. Our Supreme Court's decision in *DeWees* makes clear the broad discretion trial courts possess in bail decisions; so long as the trial court followed the proper procedure and its decision is supported by the record, we must affirm. Given the deference we must give to the trial court, we affirm its decision.

[36] Affirmed.

Riley, J., and May, J., concur.