

COURT OF APPEALS OF ARKANSAS, DIVISION IV

Nicholas Jackson v. State of Arkansas

2026 Ark. App. 91 · No. CR-24-831 · Decided February 11, 2026

SUMMARY

The Arkansas Court of Appeals affirmed the judgment in Nicholas Jackson's criminal case. The court declined to reach Jackson's constitutional challenges to Arkansas Code Annotated section 12-41-505 and Marion County Ordinance No. 2005-15, which authorized incarceration-related “pay for stay” charges, because the amended sentencing order did not impose those charges and the issues were therefore moot. The court also declined to apply the exception for issues capable of repetition yet evading review.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division IV
WRITING FOR THE COURT	Cindy Grace Thyer; Harrison; Tucker
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	February 11, 2026
DOCKET	CR-24-831
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jackson appealed from an amended sentencing order entered after his criminal convictions and the circuit court's posttrial consideration of his objections to pay-for-stay costs. The circuit court removed the pay-for-stay costs from the amended sentencing order but rejected Jackson's constitutional arguments. The Court of Appeals affirmed without reaching the constitutional merits because the claims were moot.
STANDARD OF REVIEW	The court applied de novo principles to the justiciability issue and declined to reach the constitutional merits because the claims were moot.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Nicholas Jackson v. State of Arkansas

TOPICS

mootness

appellate procedure

criminal procedure

constitutional law

PRACTICE AREAS

appellate procedure

criminal procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Jackson's constitutional challenges to Arkansas Code Annotated section 12-41-505 and Marion County Ordinance No. 2005-15 were moot after the amended sentencing order removed the pay-for-stay costs.
2. Whether the exception to mootness for issues capable of repetition yet evading review applied.
3. Whether the Court of Appeals should reach Jackson's claims that the pay-for-stay provisions violated the Eighth and Fourteenth Amendments, article 2, sections 9 and 16 of the Arkansas Constitution, equal-protection guarantees, and prohibitions against vagueness and overbreadth.

HOLDINGS

1. The constitutional challenge was moot because the amended sentencing order's requirement that Jackson pay expenses related to his incarceration meant that a decision concerning the constitutionality of the implementing statute would have no practical legal effect on him.
2. The court declined to apply the capable-of-repetition-yet-evading-review exception because Jackson failed to explain how his claim would evade review.

KEY QUOTATIONS

"An issue is moot when any judgment rendered would have no practical legal effect upon an existing legal controversy." (at 4)

"We will not make a party's arguments for him or her" (at 5)

FACTUAL BACKGROUND

Jackson was convicted of three misdemeanor offenses after a Marion County jury trial and was sentenced to one year in jail, a \$7,500 fine, court costs, and an administrative fee. A prior sentencing order had included \$18,305 in pay-for-stay costs under Arkansas Code Annotated section 12-41-505 and Marion County Ordinance No. 2005-15. Following a posttrial hearing, the circuit court found that the State had not produced the invoice required by the ordinance and removed all pay-for-stay costs from the amended sentencing order. Because the amended order still required Jackson to pay expenses related to his incarceration, the Court of Appeals concluded that a constitutional ruling on the implementing statute would have no practical legal effect.

PROCEDURAL HISTORY

Jackson was charged in Marion County Circuit Court with multiple felony and misdemeanor offenses. After a 2024 jury trial, he was acquitted of some charges and convicted of second-degree false imprisonment, second-degree terroristic threatening, and criminal trespass. The circuit court initially entered a sentencing order

including \$18,305 in pay-for-stay costs, then, after a posttrial hearing, found that the required invoice had not been produced and directed those costs to be deleted. An amended sentencing order imposed jail time, a fine, court costs, and an administrative fee but no pay-for-stay costs. Jackson appealed the constitutionality of Arkansas Code Annotated section 12-41-505 and Marion County Ordinance No. 2005-15.

DISPOSITION

affirmed

CASES CITED

- Anderson v. State, 352 Ark. 36, 98 S.W.3d 403 (2003)
- Siegel v. State, 2021 Ark. 228, 635 S.W.3d 313
- Wright v. Keffer, 319 Ark. 201, 203, 890 S.W.2d 271, 272 (1995)
- Gillespie v. Brewer, 2019 Ark. App. 275, at 9, 577 S.W.3d 59, 65
- McGahey v. State, 2024 Ark. App. 30, 683 S.W.3d 211
- Burnett v. State, 2023 Ark. 162, 677 S.W.3d 191

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