

SUPREME COURT OF ARKANSAS

Trujillo v. State

2016 Ark. 49 (2016) · No. CR-15-638 · Decided February 11, 2016

SUMMARY

The Arkansas Supreme Court denied Ramon B. Trujillo’s petition for a writ of certiorari challenging the circuit court’s imposition of \$300,000 cash-only bail. The court held that cash-only bail is permissible under article 2, section 8 of the Arkansas Constitution and Arkansas Rule of Criminal Procedure 9.2, while concluding that Trujillo’s excessive-bail claim was moot after his guilty plea. Chief Justice Brill and Justice Hart dissented.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Arkansas                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Per curiam; Karen R. Baker; Howard W. Brill; Josephine Linker Hart                                                                                                                                                                                                           |
| JURISDICTION          | Arkansas                                                                                                                                                                                                                                                                     |
| DECIDED               | February 11, 2016                                                                                                                                                                                                                                                            |
| DOCKET                | CR-15-638                                                                                                                                                                                                                                                                    |
| DISPOSITION           | writ_denied                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Trujillo petitioned the Supreme Court of Arkansas for a writ of certiorari to review the circuit court's order imposing \$300,000 cash-only bail. While the petition was pending, he pleaded guilty and was taken into the custody of the Arkansas Department of Correction. |
| STANDARD OF REVIEW    | A writ of certiorari requires a plain, manifest, clear, and gross abuse of discretion and is available to correct proceedings erroneous on the face of the record when no other adequate remedy exists. Constitutional interpretation is reviewed de novo.                   |
| PRECEDENTIAL VALUE    | Published Arkansas Supreme Court opinion; precedential.                                                                                                                                                                                                                      |
| PARTIES               | Ramon B. Trujillo v. State of Arkansas                                                                                                                                                                                                                                       |

TOPICS

- bail
- writ of certiorari
- mootness
- constitutional law
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Arkansas Constitution article 2, section 8 permits a court to impose cash-only bail.
2. Whether the \$300,000 bail amount was excessive.
3. Whether the petition for writ of certiorari could be considered after Trujillo pleaded guilty and the bail controversy became moot.

## HOLDINGS

1. Although Trujillo's individual bail dispute had become moot, the court would review the cash-only-bail issue under the exception for questions of substantial public interest.
2. The Arkansas Constitution permits cash-only bail because the phrase "sufficient sureties" encompasses a broad range of methods of assuring the defendant's appearance, including cash, when bail is set pursuant to Arkansas Rule of Criminal Procedure 9.2.
3. The court did not reach the excessive-bail challenge because Trujillo's guilty plea rendered that individualized issue moot.

## KEY QUOTATIONS

*"Accordingly, based on the plain language of the constitution and our stated purpose for bail, we hold that the term "sufficient sureties" refers to a broad range of methods to accomplish "sufficient sureties," including cash." (7)*

*"Accordingly, our constitution permits cash-only bail, as determined by the circuit court pursuant to Rule 9.2, and is subject to the constitutional protections of article 8, section 2 of our constitution." (7)*

## FACTUAL BACKGROUND

Trujillo was arrested in Benton County after allegedly physically abusing his pregnant girlfriend and her one-year-old son. He was initially released on \$25,000 cash-or-surety bail, but the State later alleged that he violated a no-contact order. Following bail hearings, the circuit court set bail at \$300,000 cash only. Trujillo subsequently pleaded guilty to aggravated assault and domestic-battery charges, rendering his challenge to the amount of bail moot.

## PROCEDURAL HISTORY

Trujillo was initially released on \$25,000 cash-or-surety bail. After the State alleged that he violated a no-contact order, the circuit court held bail hearings and increased bail to \$300,000 cash only. Trujillo sought certiorari, challenging both the legality of cash-only bail and the amount as excessive. The Supreme Court treated the petition as a case, reached the constitutional cash-only-bail issue under the substantial-public-interest exception to mootness, declined to reach the excessive-bail challenge as moot, and denied the writ.

## DISPOSITION

writ\_denied

#### CASES CITED

- Foreman v. State, 317 Ark. 146, 875 S.W.2d 853 (1994)
- Duncan v. State, 308 Ark. 205, 823 S.W.2d 886 (1992)
- Thomas v. State, 260 Ark. 512, 542 S.W.2d 284 (1976)
- Lupo v. Lineberger, 313 Ark. 315, 855 S.W.2d 293 (1993)
- Shorey v. Thompson, 295 Ark. 664, 750 S.W.2d 955 (1988)
- Shipp v. Franklin, 370 Ark. 262, 258 S.W.3d 744 (2007)
- Cotten v. Fooks, 346 Ark. 130, 55 S.W.3d 290 (2001)
- State v. Barton, 181 Wash. 2d 148, 331 P.3d 50 (2014)
- Saunders v. Hornecker, 344 P.3d 771 (Wyo. 2015)
- Stack v. Boyle, 342 U.S. 1 (1951)
- Grey v. State, 276 Ark. 331, 634 S.W.2d 392 (1982)
- Wilson v. Weiss, 370 Ark. 205, 258 S.W.3d 351 (2007)
- Brewer v. Fergus, 348 Ark. 577, 79 S.W.3d 831 (2002)
- Proctor v. Daniels, 2010 Ark. 206, 392 S.W.3d 360
- Forrester v. Daniels, 2010 Ark. 397, 373 S.W.3d 871