

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KK-00445

VS.

DARRILL HENRY

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 451-696, Court of
Appeal, Fourth Circuit, Number(s) 2020-K-0200;

April 17, 2020

Writ application granted. See per curiam.

JLW
JTG
WJC
JHB

Johnson, C.J., would deny.
Hughes, J., would deny.
Crichton, J., would deny.



04/17/20

SUPREME COURT OF LOUISIANA

No. 2020-KK-00445

STATE OF LOUISIANA

versus

DARRILL HENRY

**ON SUPERVISORY WRIT TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted. The district court's order setting bail is vacated, and the matter is remanded to the district court to conduct a contradictory hearing to determine whether defendant is entitled to bail following the district court's order granting defendant a new trial, which order the district court stayed pending appellate review. *See* La. Const. Art. I, § 18(B) (“[A] person charged with a crime of violence . . . , and the proof is evident and the presumption of guilt is great, shall not be bailable if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to any other person or the community.”). If the district court sets bail after conducting a contradictory hearing upon remand, the district court is further directed to consider whether additional conditions or restrictions are appropriate to safeguard the victims' families, the witnesses, and the community. *See* La.C.Cr.P. art. 320(B). The stay previously issued by this court pending supervisory review of the setting of bail is hereby lifted.

VACATED AND REMANDED