

ORIGINAL

FILED

04/29/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 20-0219

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 20-0219

FILED

APR 29 2020

Bowen Greenwood
Clerk of Supreme Court
State of Montana

OLIVIA K. ANACLETO,

Petitioner,

v.

ORDER

RAVALLI COUNTY JUSTICE COURT,
JENNIFER A. RAY, JUSTICE OF THE PEACE,

Respondent.

Petitioner Olivia K. Anacleto seeks a writ of supervisory control over the Ravalli County Justice Court, Dept. 1, regarding the Justice Court's requirement that Anacleto post a cash bond in Cause No. TK-705-2019-0002036.

Supervisory control is an extraordinary remedy that is sometimes justified when urgency or emergency factors exist making the normal appeal process inadequate, when the case involves purely legal questions, and when the other court is proceeding under a mistake of law and is causing a gross injustice, constitutional issues of state-wide importance are involved, or, in a criminal case, the other court has granted or denied a motion to substitute a judge. M. R. App. P. 14(3). Whether supervisory control is appropriate is a case-by-case decision. *Stokes v. Mont. Thirteenth Judicial Dist. Court*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754 (citations omitted).

According to her Petition for Writ, after Anacleto failed to appear for a jury trial status hearing, the Justice Court forfeited Anacleto's previously posted bond and issued a warrant for her arrest. Anacleto was arrested on that warrant on March 5, 2020 and the court ordered her detained with bail set in the amount of \$1,000 "cash only." That same day, Anacleto filed an emergency motion to strike the cash-only bail requirement. On March 11, 2020, prior to the court ruling on Anacleto's motion, Anacleto moved to set a change of plea hearing. Anacleto changed her plea at hearing on March 13, 2020.

Per Anacleto's Petition for Writ, the Justice Court never ruled upon her motion to strike the cash-only bail requirement. Moreover, Anacleto changed her plea and the matter is now resolved. Simply put, there is no case presently before the Justice Court over which this Court may take supervisory control.

Therefore,

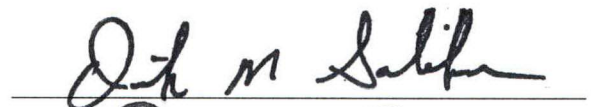
IT IS ORDERED that the petition for writ of supervisory control is DENIED and DISMISSED.

The Clerk is directed to provide immediate notice of this Order to counsel for Petitioner, all counsel of record in the Ravalli County Justice Court, Cause No. TK-705-2019-0002036, and the Honorable Jennifer A. Ray, presiding.

DATED this 29th day of April, 2020.



Chief Justice



Justices