In the Court of Appeals of the State of Alaska

Arnold L. Ferreira, Appellant, v. **State of Alaska,** Appellee.	Court of Appeals No. **A-13523** **Order** Date of Order: **October 17, 2019**

Trial Court Case No. **2NO-18-00800CR**

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges.

Arnold Ferreira was indicted for first-degree sexual assault, first-degree assault, and third-degree assault.[1] The superior court set bail at $50,000 and ordered that Ferreira not have contact with the alleged victim, T.F.

Ferreira filed a written application for a bail review hearing, seeking permission to have contact with T.F. In addition to his written application, Ferreira filed a form signed by T.F. in which T.F. indicated that she wanted Ferreira to be permitted to have contact with her. Without conducting a hearing, the superior court denied Ferreira's request to allow contact with T.F. This appeal followed.

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[1] AS 11.41.410(a)(1), AS 11.41.200(a)(1), and AS 11.41.220(a)(1)(A), respectively.

The State concedes error, and we conclude that the concession is well-founded.[2] A defendant is entitled to a bail hearing upon a showing of new information.[3] The consent for contact form signed by T.F. was sufficient to satisfy that requirement. We accordingly conclude that the trial court erred by not scheduling a bail review hearing as requested by Ferriera.

We VACATE the denial of Ferreira's request for contact with T.F., and we REMAND this case to the superior court. On remand, the superior court shall conduct the bail review hearing requested by Ferreira.

Entered at the direction of the Court.

Clerk of the Appellate Courts

Ryan Montgomery-Sythe

Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Court of Appeals Judges
Judge DiBenedetto
Trial Court Clerk

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[2] *See Marks v. State*, 496 P.2d 66, 67-68 (Alaska 1972) (requiring an appellate court to independently assess any concession of error by the State in a criminal case).

[3] AS 12.30.006(d)(1).