In the Court of Appeals of the State of Alaska

Sikoya Gage Francis-Fields, Appellant, v. **State of Alaska,** Appellee.	Court of Appeals Nos. **A-13727/ A-13737** **Order** Date of Order: **December 17, 2020**

Trial Court Case No. **4FA-20-01518CR**

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

Sikoya Gage Francis-Fields is charged with first-degree murder, tampering with physical evidence, and cruelty to animals for allegedly killing his girlfriend and their dog.

At a bail review hearing, Francis-Fields proposed a bail release plan that included the following requirements: two third-party custodians (namely, Francis-Fields's grandfather and his wife), pretrial enforcement house arrest with 24-hour GPS electronic monitoring, and a $20,000 cash performance bond.

The trial court rejected the proposed bail release plan, finding that the proposed third-party custodians were not strong enough and that the proposed monetary bail was too low. Based on the nature of the allegations and the circumstances of the victim's death, the court found that Francis-Fields represented a danger to the community and a significant flight risk. The court then set bail conditions that included pretrial enforcement house arrest with 24-hour GPS electronic monitoring, and a $250,000 cash performance bond. The court indicated that it would consider modifying these conditions if Francis-Fields proposed different third-party custodians.

Francis-Fields appeals the trial court's rejection of his bail proposal, raising a series of arguments. First, Francis-Fields argues that the trial court abused its discretion when it rejected his grandparents as third-party custodians. The record shows that the trial court rejected the grandparents because it found that neither grandparent "seem[ed] . . . to understand or appreciate the gravity of the allegations in this case." On appeal, Francis-Fields characterizes this finding as "speculative" and he asserts that the trial court unfairly rejected the grandparents because they would not agree with the prosecutor's assertions regarding Francis-Fields' alleged conduct.

We agree with Francis-Fields that a third-party custodian does not need to believe that the accused is guilty or that the State's allegations are true in order to be an appropriate third-party custodian. The critical question is whether the proposed third-party custodians are willing and able to fulfill the supervisory duties that will be required of them. Here, the trial court rejected the grandparents as third-party custodians because the trial court was concerned that their ignorance regarding the underlying allegations meant that they did not understand the significance of this duty and were therefore ill-prepared to take it on. We have listened to the recording of the bail hearing, and the court's findings are supported by the record. Because we recognize that the trial judge is in a better position to judge the proposed third-party custodians than we are, we find no abuse of discretion in that decision.

Francis-Fields also separately argues that the trial court erred when it imposed the $250,000 cash performance bond. Specifically, Francis-Fields argues that the trial court failed to adequately explain why a $250,000 cash performance bond was necessary given the restrictions Francis-Fields had proposed — namely, the dual coverage of 24-hour third-party custodians and pretrial enforcement house arrest with

24-hour GPS electronic monitoring. But the trial court did not impose the $250,000 cash performance bond *in addition to* the dual coverage of 24-hour third-party custodians and electronic monitoring. Instead, the court retained only the requirement of electronic monitoring and it signaled its apparent willingness to impose a lower monetary amount if Francis-Fields was able to propose third-party custodians that met with the trial court's approval.

That said, we do have some questions regarding the performance bond that was imposed in this case. The trial court imposed monetary bail in this case based on its findings that Francis-Fields represented a "substantial risk" of non-appearance as well as a risk to the safety of the community.[1] But the court did not apportion the monetary bail into an appearance bond and a performance bond to account for these dual findings. Instead, it imposed only a performance bond, even though such a bond cannot be used to enforce appearance.[2] The superior court also did not provide a clear explanation for why $250,000 monetary bail was necessary, rather than a lesser amount that might be closer to an amount that Francis-Fields is able to pay.

Accordingly, we conclude that a remand is appropriate so that the court can reconsider the amount of monetary bail and also determine whether the monetary bail

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[1] Francis-Fields also argues that these findings were based on the legislatively enacted rebuttable presumption under AS 12.30.011(d)(2), which Francis-Fields argues is unconstitutional. *See* AS 12.30.011(d)(2) (creating a rebuttable presumption that a defendant charged with certain higher-level felonies poses a safety and flight risk).

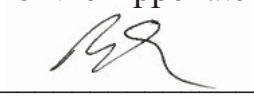
We conclude that we need not reach the question because we agree with the trial court that its findings were particularized to the facts of this specific case rather than relying solely on the statutory presumption.

[2] Alaska R. Crim. P. 41(c)(1).

should be apportioned between an appearance bond and a performance bond. We therefore REMAND this case to the trial court for further proceedings consistent with this order.

Entered at the direction of the Court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Court of Appeals Judges
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