

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-118

STATE OF LOUISIANA

versus

DAVANA TRIPPS

IN RE STATE OF LOUISIANA

APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
VERCELL FIFFIE, DIVISION "A", NUMBER 15,274

TRUE COPY

March 30, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Marc E. Johnson,
Stephen J. Windhorst, and Scott U. Schlegel

WRIT GRANTED FOR LIMITED PURPOSE; JUDGMENT VACATED; REMANDED FOR FURTHER PROCEEDINGS

Relator, the State of Louisiana, seeks review of the trial court's March 18, 2026 judgment that granted the motion for post-conviction bond in favor of Defendant, Davana Tripps. The State alleges that the trial court erred in allowing Defendant to remain at large after jury convictions for attempted second degree cruelty to juveniles, attempted cruelty to juveniles, and simple battery, without setting a new bond, remanding Defendant to jail, or requiring the posting of a new bond.

La. C.Cr.P. art. 331(A) provides, in pertinent part:

- (1) Upon conviction in any case, the bail undertaking shall cease and the surety shall be relieved of all obligations under the bail undertaking by operation of law without the need to file a motion or other pleading...
- (2) In all cases, if necessary to assure the presence of the defendant at all future stages of the proceedings, the court may in its discretion, in

accordance with Article 312 require the defendant to post another bail undertaking or other acceptable security, or may release the defendant on bail without surety as provided for in Article 325. The court may continue the existing bail undertaking with the written approval of the surety on the bail undertaking. Such approval must be obtained from the surety after conviction.

A review of the transcript of the contradictory bond hearing shows that the State requested a bond of \$75,000 per felony conviction and \$5,000 for the simple battery conviction. Defense counsel argued that a \$168,000 property bond was already in effect. The surety, Juanita Claudette, testified that she owned the bonded property, along with her husband, and was willing to allow the property to remain under bond. The trial court set a bond of \$50,000 for the second degree cruelty to juveniles conviction, \$25,000 for the attempted cruelty to juveniles conviction, and \$5,000 for the simple battery conviction.¹ The court then stated that Ms. Claudette indicated that she would like for the bond to remain in place.

After review, we find that the judgment at issue must be vacated. Although the trial court held a contradictory hearing, neither the transcript of the hearing nor the judgment clearly reflects whether, pursuant to La. C.Cr.P. art. 331(A)(2), the trial court required Defendant to post another bail undertaking or other acceptable security, released Defendant on bail without security, or continued the existing bail undertaking with the *written approval* of the surety. Therefore, we grant the writ application for the limited purpose of vacating the March 16, 2026 judgment and remanding the matter to the trial court for further proceedings.

Gretna, Louisiana, this 30th day of March, 2026.

MEJ
SJW
SUS

¹ However, we note that the written judgment does not set forth Defendant's bonds.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **03/30/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-K-118

E-NOTIFIED

40th District Court (Clerk)
Honorable Vercell Fiffie (DISTRICT JUDGE)
Anthony J. Ibert (Relator)

Bridget A. Dinvaut (Relator)

MAILED

David I. Belfield, III (Respondent)
Attorney at Law
2513 Acacia Street
New Orleans, LA 70122