

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

06/25/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JAMES PATRICK SPAIN

Circuit Court for Perry County
Nos. 2024-CR-77, 2024-CR-8

No. M2026-00875-CCA-R8-CO

ORDER

This matter is before the Court upon motion of the Defendant, James Patrick Spain, for review of the trial court's order denying his "Motion to Reconsider Bond." *See* Tenn. R. App. P. 8; Tenn. Code. Ann. § 40-11-144. The State opposes.

Rule of Appellate Procedure 8

Rule 8 provides the procedural framework for obtaining appellate review of a trial court's actions regarding a defendant's release. Tenn. Code Ann. § 40-11-144. In order for this Court to conduct its review, and because generally there is no record on appeal when a defendant seeks review of a trial court's actions in this type of situation, it is a defendant's responsibility to provide this Court with an *ad hoc* record of the proceeding below. Tenn. R. App. P. 8(a). The Defendant's motion is adequate for this Court to conduct its review.

Background

According to the information before this Court, the Defendant is charged in case number 2024-CR-8 with possession of more than .5 grams of cocaine with intent to deliver or sell, a Class B felony, unlawful possession of a firearm by a convicted felon, a Class B felony, possession of a firearm with intent to go armed during the commission of a dangerous felony, a Class D felony, and possession of drug paraphernalia, a Class A misdemeanor. Those charges resulted from a traffic stop that occurred on September 11, 2023. In case number 2024-CR-77, the Defendant is charged with four counts of unlawful possession of a firearm by a convicted felon, a Class B felony, and separate counts of possession of drug paraphernalia, marijuana and cocaine, Class A misdemeanors. Those

charges resulted from a subsequent search of the Defendant's residence on the same date as the traffic stop. The Defendant was indicted in case number 2024-CR-8 on February 14, 2024, but was not indicted in case number 2024-CR-77 until November 25, 2024.

The Defendant's bond in case number 2024-CR-8 was set at \$55,000, which he posted following his arrest in that case in 2023. Upon return of the indictment in case number 2024-CR-77, the trial court imposed an additional bond in the amount of \$100,000, following the Defendant's arrest in that case on December 17, 2024.

On or about January 6, 2025, the Defendant filed a "Motion to Reduce Bond." Therein, he stated he made all court appearances since his initial arrest in 2023. He also argued both cases "stem from the same events" and thus the initial \$55,000 bond should suffice. In the alternative, the Defendant suggested a total bond of \$100,000 would be proper for both cases. The State filed a response in opposition to that motion and requested the total bond amount for both cases be increased to \$250,000. In support thereof, the State highlighted the Defendant's criminal history, including a May 2024 conviction for possession of drug paraphernalia in Humphreys County and a pending probation violation warrant issued in Rutherford County. Following a hearing on March 18, 2025, the Court ordered that bond in case number 2024-CR-77 shall remain at \$100,000. The Defendant did not seek appellate review of that order.

On or about March 18, 2026, the Defendant filed a "Motion to Reconsider Bond." The Defendant stated he had been in custody since December 2024, thereby rendering his continued detention punitive rather than regulatory. He asserted he is not a threat to society and suggested conditions could be imposed to reasonably ensure both his presence in court and the safety of the community. The State filed a response in opposition and referred to its reply to the previous motion which highlighted the Defendant's criminal history. The State again asked the court to increase the total bond amount to \$250,000. The Defendant filed a reply thereto and again contended the events leading to the charges in the two cases occurred within eighteen hours of each other despite the fact the indictment in the second case was not issued until just over a year after his initial arrest in the first case.

The trial court held a hearing on the matter on May 1, 2026. The Defendant reiterated his argument that, given the timing of the return of the indictments for crimes alleged to have occurred on the same date, the imposition of two separate bonds is inappropriate. The State argued there were no changes in circumstances warranting reconsideration of the prior ruling. The State also highlighted the fact that status hearing dates for the two cases had been continued at the request of the parties since at least April 2025. The Defendant too acknowledged continuances were sought in anticipation of a potential settlement of the cases. Following discussion about the delay, the court, with the agreement of the parties, scheduled a trial date for November 23 and 24, 2026. As to the

motion to reconsider, the trial court referenced the prior bond reduction hearing and noted that nothing had changed since then warranting further review:

Yeah, I'm just going to leave it set. I mean, they -- he had a prior bond hearing. I certainly understand the issue that when everybody's privy to case status discussions and they're unsuccessful, that's -- to me, that's not anything the Court needs to take into consideration when trying to look at a bond reduction when there's already been one hearing already. So we've got it set.

On May 4, 2026, the trial court filed a "Case Status Order" setting the aforementioned trial dates and stating that "bond shall remain unaltered." The Defendant now seeks review.

Pretrial Release

Article I, section 15 of the Tennessee Constitution guarantees a defendant the right to bail in all except capital cases. *See State v. Burgins*, 464 S.W.3d 298, 306 (Tenn. 2015); *see also* Tenn. Code Ann. § 40-11-102 ("Before trial, all defendants shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great."). Similarly, excessive bail is expressly prohibited by Article I, section 16 of the Tennessee Constitution. *See State ex rel. Hemby v. O'Steen*, 559 S.W.2d 340, 341-42 (Tenn. Crim. App. 1977).

Initially, this Court observes that a trial court has the authority to release a defendant prior to trial on his or her own personal recognizance or upon an unsecured bond. Tenn. Code Ann. § 40-11-115. If, however, the trial court determines a defendant does not qualify for release under the provisions of § 40-11-115, the court shall then "impose the least onerous conditions reasonably likely to assure the defendant's appearance in court," which may include the posting of a secured bond. Tenn. Code Ann. § 40-11-116 and -117.

If a secured bond is ordered, and to assist the trial courts in determining an appropriate amount, our legislature has directed that bail "shall be set as low as the court determines is necessary to reasonably assure the appearance of the defendant as required." Tenn. Code Ann. § 40-11-118(a). Furthermore, "in determining the amount of bond necessary to reasonably assure the appearance of the defendant while at the same time protecting the safety of the public," the trial courts shall consider the following factors:

- (1) The defendant's length of residence in the community;
- (2) The defendant's employment status and history and the defendant's financial condition; provided, that, the defendant's ability to pay shall not be considered;

- (3) The defendant's family ties and relationships;
- (4) The defendant's reputation, character and mental condition;
- (5) The defendant's prior criminal record, record of appearance at court proceedings, record of flight to avoid prosecution or failure to appear at court proceedings;
- (6) The nature of the offense and the apparent probability of conviction and the likely sentence;
- (7) The defendant's prior juvenile court record, as authorized by § 37-1-133(b)(1), and prior criminal record and the likelihood that because of the records the defendant will pose a risk of danger to the community;
- (8) The identity of responsible members of the community who will vouch for the defendant's reliability; . . .; and
- (9) Any other factors indicating the defendant's ties to the community or bearing on the risk of the defendant's willful failure to appear . . .

Tenn. Code Ann. § 40-11-118(b). These factors are similar to the ones the court must first consider when deciding whether to release a defendant on his or her own recognizance. *See* § 40-11-115(b). Any request for a change in bail or conditions of release must be made in a written motion, and the trial court shall state in writing the reasons for its actions on that motion. Tenn. Code Ann. § 40-11-143.

“The trial court has very wide latitude in setting bail” and this Court should be “most reluctant to second-guess” the trial court’s decision. *State v. Melson*, 638 S.W.2d 342, 358 (Tenn. 1982). Indeed, this Court reviews the actions of a trial court regarding a defendant’s release under an abuse of discretion standard. *See, e.g.*, Tenn. Code Ann. § 40-26-103. Our supreme court has stated that the abuse of discretion standard of review is a “less rigorous review” of a trial court’s decision and does not permit this Court to substitute its judgment for that of the trial court. *State v. McCaleb*, 582 S.W.3d 179, 185 (Tenn. 2019) (quoting *Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 524 (Tenn. 2010)). “A trial court abuses its discretion when it applies incorrect legal standards, reaches an illogical conclusion, bases its ruling on a clearly erroneous assessment of the proof, or applies reasoning that causes an injustice to the complaining party.” *State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010).

Discussion

On appeal, the Defendant advances the same arguments he presented to the trial court. He states he has been in custody since December 2024 without a trial date having been set until the recent hearing on May 1, 2026. The Defendant states his and his mother’s health have declined. He also argues the trial court failed to conduct a hearing and make findings on the record or in a written order on his motion to reconsider. To that end, the

Defendant asserts the trial court denied him an opportunity to be heard. The State disagrees. The State notes the trial court did, in fact, hold a hearing and thus did not prevent the Defendant from being heard. The State also argues the Defendant's continued detention is not a new circumstance warranting a change in the amount of bond and, therefore, the trial court did not abuse its discretion in denying the motion to reconsider.

As discussed above, the Defendant did not seek appellate review of the trial court's order, filed on March 18, 2025, denying his motion to reduce the amount of bond in case number 2024-CR-77. The judge who heard that motion and issued the written order has since retired. At the hearing on May 1, 2026, the Defendant suggested to the current trial judge that he is "looking at [the cases] fresh" and "has power as a new judge taking over this jurisdiction to reconsider bond." However, the court recounted the prior hearing and noted that the only notable change in the Defendant's circumstances since then was his continued detention. The court also recognized that both parties contributed to the delay in setting a trial date:

But when you dig into the -- to the record, you've got the case status order which both sides are privy to reject or get a trial date or do whatever. What's your position? Is that the only thing, is that he's been in 500 days longer than before? I mean, I was looking at the motion that Judge Spitzer had on the reduction, and it's the same issue here today other than the fact that we were 500 days longer to get to trial.

...

The only thing I'm hearing is -- you know, and I get it. I mean, nobody wants to stay in -- we all know what our trial calendar is like. But at the same time, both sides have had those case status orders thrown down in front of them, time and time again. And the ability to get a trial date has been since, you know, I've been on the bench. That was the first thing we did. We started setting trials. And that was for the last 9 months.

The Defendant's mother was present and ready to testify. However, following arguments of the parties, which included discussion about the numerous continuances that occurred since April 2025, the parties agreed on a trial date. The transcript clearly reflects the Defendant was content with that setting and, thereafter, he did not request to examine the lone witness he had available. Indeed, as the State observes, the Defendant did not protest at any point during the hearing about how the trial court denied him the opportunity to be fully heard on his motion. Thus, and contrary to the Defendant's insistence, he was afforded a hearing on his motion to reconsider. And though the trial court's written order is not detailed, the Defendant offered no proof in support of any change in circumstances

warranting reconsideration of the prior order denying his motion to reduce the bond amount. The Defendant's main complaint is his continued detention. As the State argues, though, mere passage of time is not a new circumstance warranting reconsideration. The Defendant simply did not present any proof warranting reconsideration of the order filed in March 2025.

Again, the Defendant did not seek appellate review of the trial court's March 2025 order but, instead, moved the court a year later to reconsider its prior ruling. The trial court declined to do so. Having reviewed the transcript of the hearing on that motion, this Court concludes the trial court did not abuse its discretion in denying the motion to reconsider.

Conclusion

For these reasons, the Defendant's Rule 8 motion is hereby denied. Because the Defendant is indigent, costs are taxed to the State.

Holloway, Easter, Ayers, JJ.