



**PRESS RELEASE**

**U.S. SUPREME COURT DENIES *CERTIORARI* IN CASE THAT  
UPHELD USE OF MONEY BAIL AND BAIL SCHEDULES**

**FOR IMMEDIATE RELEASE:**

Lakewood, CO (April 1, 2019) – The U.S. Supreme Court today refused to review a decision in the Eleventh Circuit Court of Appeals case of *Maurice Walker v. Calhoun, Georgia*. In denying *certiorari*, the lower court's ruling, which affirmed the constitutionality of monetary bail, was allowed to stand.

The suit concerned the use of monetary bail schedules, in which bails are pre-set based on the specific crime that has been charged and which may be adjusted later by judges. It questioned whether conducting individual reviews of bails set by a schedule within 48 hours meets constitutional muster or instead impermissibly discriminates against the poor.

Walker spent six days in jail on a pre-set bail of \$160 that he was unable to make before a judge would see him. The Eleventh Circuit Court of Appeals upheld, on a 2-1 decision, the use of monetary bail schedules.

As a result of the suit, the city of Calhoun created a new standing order on bail. It allowed for the use of schedules, but required defendants to be heard by a judge within 48 hours, in which they could request a reduction in bail or be released on their own recognizance.

“The Supreme Court today sent a very strong message that monetary bail and bail schedules are constitutional if the proper due process procedures are followed,” said Jeff Clayton, Executive Director of the American Bail Coalition. “It has been a long, hard and expensive road to get here. In denying *cert*, the Supreme Court has also affirmed that rational basis review is the appropriate standard for reviewing claims of wealth-based discrimination under the equal protection clause. This is contrary to the ruling of two federal district judges who decided to apply intermediate scrutiny and strict scrutiny.”

Clayton added, “Then-U.S. Attorney General Eric Holder first filed a statement of interest in *Varden v. City of Clanton* in 2015, arguing against the use of bail schedules. Since that time, we have been waiting for a signal from the U.S. Supreme Court as to whether the use of money bail schedules is constitutional. Today, we can say without hesitation, we know their answer.

(more)



### **About the American Bail Coalition**

The American Bail Coalition is dedicated protecting the Constitutional right to bail and the promotion, protection and advancement of the surety bail profession in the United States. Comprised of the nation's largest surety insurance companies, ABC works with local communities, law enforcement, legislators and other criminal justice stakeholders to utilize its expertise and knowledge of the surety bail industry to develop more effective and efficient criminal justice solutions. [www.ambailcoalition.org](http://www.ambailcoalition.org)

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