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## Local News

# Conn. court: bondsman must forfeit fugitive's bail



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HARTFORD, Conn. -- The Connecticut Supreme Court ruled Monday that bail companies must forfeit bonds to the state when defendants don't show up in court, even when suspects flee to countries that refuse extradition requests and prosecutors don't seek their return to the U.S.

The 6-0 decision came in the case of Flavio Bail Bonds LLC of New Britain, which, barring further appeals, now must pay the state \$125,000 for the bonds it posted for David Sheriff after his arrest on marijuana dealing charges in 2006. Authorities say Sheriff fled to his native Jamaica in 2008, just two days before his trial was supposed to begin, and remains at large.

Jamaica refuses in most cases to extradite its citizens to the U.S. in drug cases. Connecticut authorities say they arrested Sheriff after they found more than 20 pounds of marijuana in his Bloomfield home during a drug investigation. Sheriff pleaded not guilty.

Flavio's lawyer, William Sweeney, argued that the company shouldn't have to forfeit Sheriff's bonds because state prosecutors never sought to extradite him from Jamaica and the firm's agents have no authority to go to the island nation to get him.

Sweeney also said there's a conflict of interest in state laws on extradition and bond forfeitures, because they appear to discourage the state from seeking extradition with the prospect of filling its coffers with forfeited bond money.

The Supreme Court rejected those arguments Monday and upheld a Superior Court judge's ruling. Justice Peter Zarella wrote in the decision that Flavio failed to show "good cause" -- as defined by an 1869 Connecticut Supreme Court of Errors decision that was upheld by the U.S. Supreme Court in 1872 -- as to why it shouldn't have to forfeit Sheriff's bonds.

State justices also upheld their predecessors' ruling in 1869.

"Other than its citation to the holdings of cases from other jurisdictions and its expression of its desire that we change our law, Flavio simply has not provided any `cogent reasons' or `inescapable logic' that would require us to overturn our long-standing precedent," Zarella wrote.

Sweeney said on Monday that he and his client were reviewing the ruling and considering their options, including a possible appeal to the U.S. Supreme Court.

Sweeney said he believes the ruling sets a precedent that will make bail bond companies be extra cautious about the bonds they post.

"It's a difficult road for the bonds people," he said.

Senior Assistant State's Attorney Nancy Chupak, who argued the case on the state's behalf before the Supreme Court, didn't immediately return a phone message Monday.

Chupak told the Supreme Court in March that Flavio should have to forfeit the \$125,000 because its agents knew the risk they were taking when they posted Sheriff's bail. She said the simple fact was that Sheriff failed to show up in court after Flavio posted bonds knowing it would have to forfeit them if Sheriff disappeared. She said prosecutors haven't sought to extradite Sheriff because the effort would be futile.

Extradition has been a contentious issue in Jamaica, where government officials faced heavy criticism for their handling of a U.S. extradition request for alleged drug trafficker Christopher "Dudus" Coke last year. When the government launched a hunt for Coke in the slums of West Kingston, it sparked four days of fighting that killed 73 civilians and three security officers. Coke was captured and is now jailed in New York.

Jamaica's prime minister, Bruce Golding, had opposed the extradition request for Coke for nine months before reversing course under heavy political pressure.

An inquiry commission in Jamaica that investigated Coke's extradition issued a report last month saying that Coke's constitutional rights were violated and that Golding acted inappropriately when he stonewalled the extradition request.

After the report was released, Golding fired his top justice official, Dorothy Lightbourne, who was accused of being evasive or dishonest in her testimony before the commission about the extradition request for Coke.

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