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Superior Court of California
County of Butte
6/9/2022
Sgt. Elmendorf, Clerk
Deputy
Kraemer
Electronically FILED

**IN THE SUPERIOR COURT
COUNTY OF BUTTE, STATE OF CALIFORNIA**

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,
vs.
DARIO ANTHONY CERAGIOLI,
Defendant.

Case No.: **22CF02784**
BCSO 22-03787
REQUEST TO SET BAIL TO NO BAIL
DUE TO PUBLIC SAFETY CONCERNs.
Date: 6/9/22
Time: 3:00 p.m.
Dept: Arraignment Calendar

ARGUMENT

The California Constitution Article 12(1) states:

“A person shall be released on bail by sufficient sureties, except for: (a) Capital crimes when the facts are evident or the presumption great; (b) Felony offenses involving acts of violence on another person, or **felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person’s release would result in great bodily harm to others; or (c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.”**

The California Constitution Article 28(f)(3) states:

“In addition to the enumerated rights provided in subdivision (b) that are personally enforceable by victims as provided in subdivision (c) victims of crime have additional rights that are shared with all of the People of the State of California. These collectively held rights include, but are not limited to, the following:... (3) Public Safety Bail. A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection

1 of the public, the safety of the victim, the seriousness of the offense charged, the
2 previous criminal record of the defendant, and the probability of his or her
3 appearing at the trial or hearing of the case. Public safety and the safety of the
4 victim shall be the primary considerations.”

5 In *In re Humphrey* (2018) 19 Cal.App.5th 1006, the appellate court, citing article 1,
6 section 12 and 28(f)(3) in its opinion, held that bail schedules must not be rigidly followed
7 without consideration of “individualized factors bearing upon his or her dangerousness and/or
8 risk of flight.” (*Humphrey*, at p. 1044). Of significance, the *Humphrey* court did not limit such
9 authority to capital offenses or crimes of violence specified in article 1, section 12 of the
10 California constitution.

11 Penal Code Section 1275(a) includes criteria for courts to consider when evaluating
12 public safety risk factors. It states, in “setting, reducing, **or denying bail**, a judge or magistrate
13 shall take into consideration the protection of the public, the seriousness of the offense charged,
14 the previous criminal record of the defendant, and the probability of his or her appearing at trial
15 or at a hearing of the case. The public safety shall be the primary consideration.” (Penal Code
16 section 1275 (a)(1).)

17 1. The seriousness of the offense or offenses charged.

18 **Charges: Assault with Intent to Commit Rape and Criminal Threats**

19 **Weapon used:**

20 **Injuries inflicted:**

21 **Threats to victims or witnesses: *Before leaving victim's home, Defendant***
threatened victim he would kidnap and rape her.

22 **The amount or value of seized narcotics:**

23 **Gang affiliation:**

24 **Weapons possession:**

25 **Other: *Defendant admitted to breaking into victim's home and that he***
assaulted her with the intent to rape her.

26 2. The previous criminal record of the defendant.

27 **Defendant's criminal convictions include:**

28 **Prior charges dismissed with a *Harvey* waiver:**

Other open cases:

_____ Defendant is on bail or OR:

_____ Defendant is on probation:

_____ Defendant is on parole:

_____ Defendant is on post-release community supervision or mandatory supervision:

_____ Prior violations of probation:

_____ Prior violations of parole, PRCS or mandatory supervision:

3. The probability of the defendant appearing at all proceedings.

_____ Previous or current warrants:

_____ Previous or current failures to appear:

_____ Escape history:

_____ Attempts to evade or resist arrest:

_____ Other:

REQUEST

The People understand Defendant has substantial resources from which to post bail, however no amount of sureties will protect the potential harm to the victim in this case or the public should Defendant be released. Accordingly, it is respectfully request bail be denied and the court issue a **no bail hold**.

Date: June 9, 2022

Respectfully Submitted,

Michael L. Ramsey
District Attorney

Debra B. Sease

By

Leah B. Sears
Supervising Deputy District Attorney