

## Richard LOGAN v. STATE of Arkansas

CR 87-6

776 S.W.2d 327

Supreme Court of Arkansas  
Opinion delivered September 11, 1989

BONDS — REVOCATION OF APPEAL BOND MOOT — UNDERLYING CONVICTION AFFIRMED. — Where the underlying convictions were affirmed by the appellate court and the appellant is currently imprisoned in the Arkansas Department of Correction, the question concerning the revocation of his appeal bond was moot, and therefore not decided by the appellate court.

Appeal from Benton Circuit Court; *W.H. Enfield*, Judge; affirmed.

*Joel O. Higgins*, for appellant.

*Steve Clark*, Att'y Gen., by: *Kay J. Jackson Demailly*, Asst. Att'y Gen., for appellee.

JACK HOLT, JR., Chief Justice. The appellant, Richard Logan, was convicted in three separate trials by jury of nine counts of rape and sentenced to life imprisonment plus 280 years. Following his convictions, Logan appealed and the trial court granted a blanket appeal bond; a month later, the State filed a verified petition to revoke Logan's release. Subsequently, a hearing was held and the trial court revoked the appeal bond, finding that there was a substantial risk that Logan would commit a serious crime if admitted to bail pending appeal.

From that order, Logan appeals contending that the trial court erred in revoking his appeal bond on the basis that the decision was arbitrary and not based on any substantial evidence.

[1] Logan's convictions were the cumulative result of three separate trial court proceedings; upon appeal, six of the convictions were affirmed, one conviction modified to carnal abuse in the third degree, and one conviction was reversed and remanded. The remaining conviction has not been decided on appeal. As a result of the convictions affirmed by this Court, Logan is currently imprisoned in the Arkansas Department of Correction and the question concerning the revocation of his appeal bond is moot.

We do not ordinarily decide moot issues, *General Publishing Co. v. Erxleben*, 283 Ark. 136, 671 S.W.2d 182 (1984) (citing *Mabry v. Kettering*, 92 Ark. 81, 122 S.W. 115 (1909)), and will not here. “It is the duty of this [C]ourt to decide actual controversies by a judgment which can be carried into effect and not to give opinions upon abstract propositions or to declare principles of law which cannot affect the matter in issue in the case at bar.” *Saunders v. Kleier*, 296 Ark. 25, 751 S.W.2d 343 (1988) (citing *Kays v. Boyd*, 145 Ark. 303, 224 S.W. 617 (1920)). Accordingly, the trial court is affirmed.

Affirmed.

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