

SUPREME COURT OF NORTH DAKOTA

State v. Lawrence

2025 ND 237 · No. No. 20250299 · Decided December 31, 2025

SUMMARY

The North Dakota Supreme Court affirmed the denial of Adolph Lawrence’s petition seeking reconsideration of bail forfeiture and return of his \$1,000 bail after the underlying charge was dismissed. The court held that the district court had discretion under North Dakota Rule of Criminal Procedure 46(f)(2)(A) to set aside the forfeiture and did not abuse that discretion by denying the petition.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jerod E. Tufte, Justice; Jon J. Jensen, C.J.; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	December 31, 2025
DOCKET	No. 20250299
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lawrence appealed from a district court order denying his petition to reconsider bail revocation and forfeiture and to return his bail money after dismissal of the criminal charge.
STANDARD OF REVIEW	Abuse of discretion. A court abuses its discretion when it acts arbitrarily, capriciously, or unconscionably, or when it misinterprets or misapplies the law.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Adolph Akwe Lawrence v. The State of North Dakota

TOPICS

- bail
- forfeiture
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- bail
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the district court's order denying return of bail was appealable.
2. Whether the district court abused its discretion by refusing to set aside the bail forfeiture and return Lawrence's \$1,000 bail after the criminal charge was dismissed.

HOLDINGS

1. An order denying the return of property deposited with the court is appealable because it affects a substantial property right.
2. The district court did not abuse its discretion by denying Lawrence's petition to set aside the bail forfeiture and return the \$1,000 bail.

FACTUAL BACKGROUND

Lawrence posted \$1,000 bail after being charged with possession with intent to deliver marijuana. He failed to appear for a scheduled hearing on July 20, 2022, leading the district court to issue a bench warrant and forfeit his bail. The charge was later dismissed without prejudice because Lawrence was being prosecuted in federal court on similar charges. In 2025, Lawrence sought return of the bail, arguing that his failure to appear was not willful, the State suffered no prejudice, and dismissal of the charge made return of the bail just.

PROCEDURAL HISTORY

Lawrence posted \$1,000 bail in 2022 after being charged with possession with intent to deliver marijuana. After he failed to appear, the district court issued a bench warrant and forfeited the bail. The charge was later dismissed without prejudice, but the district court denied Lawrence's 2025 petition for return of the bail. The North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Owens, 1997 ND 212, ¶¶ 6-11, 570 N.W.2d 217
- Waldie v. Waldie, 2008 ND 97, ¶ 11, 748 N.W.2d 683

OPINION

TUFTE, JEROD E., J.

IN THE SUPREME COURT STATE OF NORTH DAKOTA 2025 ND 237 The State of North Dakota, Plaintiff v. Adolph Akwe Lawrence, Defendant and Appellant No. 20250299 Appeal from the District Court of Traill County, East Central Judicial District, the Honorable Tristan J. Van de Streek, Judge. AFFIRMED. Opinion of the Court by Tufte, Justice. Adolph A. Lawrence, self-represented, Crookston, Minnesota, defendant and appellant; submitted on brief.

State v. Lawrence No. 20250299 Tufte, Justice. [¶1] Adolph Lawrence appeals a district court order denying his Petition to Reconsider Bail Revocation/Forfeiture and for Return of Bail Money Following Case Dismissal.

We affirm. I [¶2] In 2022, Lawrence posted \$1,000 bail after being charged with possession with intent to deliver marijuana. When Lawrence failed to appear for a scheduled hearing on July 20, 2022, the district court issued a bench warrant for his arrest and forfeited his bail.

In January 2023, the court granted the State’s motion to dismiss the charge without prejudice because Lawrence was being prosecuted in federal court on similar charges. [¶3] In July 2025, Lawrence moved the district court to return his \$1,000 bail.

The court denied Lawrence’s motion, stating that “[f]orfeiture is the appropriate consequence for failing to appear.” Lawrence timely appealed. II [¶4] An order denying the return of property deposited with the court is appealable because such an order affects a substantial property right. State v. Owens, 1997 ND 212, ¶¶ 6-11, 570 N.W.2d 217 (citing N.D.C.C. § 29-28-06).

Furthermore, “[t]he court may set aside in whole or in part a bail forfeiture upon any condition the court may impose if it appears justice does not require bail forfeiture.” N.D.R.Crim.P. 46(f)(2)(A). The word “may” indicates that the court has discretion in the matter. Waldie v. Waldie, 2008 ND 97, ¶ 11, 748 N.W.2d 683.

Accordingly, we review an order denying return of bail under an abuse of discretion standard. A court abuses its discretion when it acts arbitrarily, capriciously, or unconscionably, or when it misinterprets or misapplies the law. Id. 1 [¶5] Lawrence argues his failure to appear was not willful, the State suffered no prejudice, and justice requires the return of the bail given the dismissal of the charges.

The district court briefly stated in its denial that forfeiture was an appropriate consequence for failure to appear. [¶6] The district court had discretion whether to set aside the forfeiture under N.D.R.Crim.P. 46(f)(2)(A).

The court did not misinterpret or misapply the law because bail is meant to ensure that a defendant will appear before the court. N.D.C.C. § 29-08-01 (defining bail as security that a person in custody will appear before the court if released). Upon review of the record, the court’s denial is not otherwise arbitrary, capricious, or unconscionable.

Therefore, we hold that the court did not abuse its discretion when it denied Lawrence’s petition. III [¶7] We affirm. [¶8] Jon J. Jensen, C.J. Daniel J. Crothers Lisa Fair McEvers Jerod E. Tufte Douglas A. Bahr 2