

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