

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1108**

State of Minnesota,
Respondent,

vs.

Stacia Kay Coonradt,
Defendant,

Midwest Bonding, LLC,
Appellant.

**Filed April 18, 2022
Affirmed
Cochran, Judge**

Becker County District Court
File No. 03-CR-18-2004

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Brian W. McDonald, Becker County Attorney, Braden F. Szczepanski, First Assistant
County Attorney, Detroit Lakes, Minnesota (for respondent)

James McGeeney, Doda & McGeeney, P.A., Rochester, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Johnson, Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant bail-bonding company challenges the district court's order denying appellant's petition to reinstate and discharge two forfeited bail bonds it posted on behalf of defendant. We affirm.

FACTS

In 2018, respondent State of Minnesota charged defendant Stacia Coonradt with a felony controlled-substance offense. Appellant Midwest Bonding LLC (Midwest) posted three separate bonds to guarantee Coonradt's appearance in subsequent proceedings. The two most recently posted bonds are at issue in this appeal.

Midwest posted the first bond, in the amount of \$2,000, in January 2019. After Coonradt failed to appear for a pretrial hearing in February 2019, the district court issued a bench warrant and ordered the bond forfeited. Coonradt was arrested and appeared before the district court in April 2019. The district court subsequently granted Midwest's petition to reinstate and discharge the bond. After Coonradt again failed to appear for a settlement conference in August 2019, the district court issued another warrant and again ordered the same bond forfeited. Coonradt was again arrested and taken back into custody later that year. The district court granted Midwest's second petition to reinstate and discharge the same bond.

In January 2020, Midwest posted the second bond, in the amount of \$40,000, for Coonradt's conditional release. Between January and October 2020, two more warrants were issued when Coonradt violated conditions of her release by failing to comply with

GPS monitoring requirements. The warrants were cleared after Coonradt appeared before the district court on each violation. In October 2020, Coonradt pleaded guilty. The district court imposed an additional \$60,000 bail for presentencing release without conditions. In November 2020, Midwest posted a third bond on Coonradt's behalf in the amount of \$60,000, in addition to the \$40,000 previously posted.

After Coonradt failed to appear for her sentencing hearing in January 2021, the district court issued another warrant and ordered both bonds, totaling \$100,000, forfeited. Midwest attempted unsuccessfully to locate Coonradt. According to Midwest, it first tried to contact Coonradt by phone and ran an electronic search of Minnesota jails. Midwest then hired a fugitive-recovery agency which attempted to locate Coonradt at six addresses in Minnesota and one address in Iowa. The agency "ran a social media and skip tracing search" and provided the resulting information to law enforcement. Unbeknownst to Midwest, Coonradt was apprehended in South Dakota on unrelated charges in February 2021.

In April 2021, Midwest filed a petition requesting reinstatement and discharge of the two forfeited bail bonds or, in the alternative, more time to search for Coonradt. The state opposed the petition and requested a hearing on the matter, noting that Coonradt had been taken into custody in South Dakota.

In June 2021, after being extradited from South Dakota, Coonradt finally appeared before the district court. The district court sentenced her in July.

In August 2021, following a motion hearing, the district court denied Midwest's petition for reinstatement and discharge. Midwest appeals.

DECISION

We review a district court's decision on the reinstatement and discharge of a forfeited bail bond for an abuse of discretion. *State v. Askland*, 784 N.W.2d 60, 62 (Minn. 2010). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

"State statute and court rule address the question of reinstatement of a forfeited bail bond." *Askland*, 784 N.W.2d at 62. When a bail bond is forfeited, a district court "may forgive or reduce the penalty according to the circumstances of the case and the situation of the party on any terms and conditions it considers just and reasonable." Minn. Stat. § 629.59 (2020); *see also* Minn. R. Gen. Prac. 702(f) (specifying procedure for petitioning for reinstatement of forfeited bail bond). In making its determination, a district court's decision is guided by four factors identified in *In re Shetsky*, 60 N.W.2d 40, 46 (Minn. 1953) (the *Shetsky* factors). *Askland*, 784 N.W.2d at 62. The first factor includes "the purpose of bail, the civil nature of the proceedings, and the cause, purpose and length of a defendant's absence." *Id.* Bail serves several purposes, including minimizing pretrial incarceration, ensuring penalty payment, and encouraging sureties "to locate, arrest, and return defaulting defendants to the authorities." *Shetsky*, 60 N.W.2d at 46; *State v. Storkamp*, 656 N.W.2d 539, 541-42 (Minn. 2003).

The second factor is "the good faith of the bond company as measured by the fault or willfulness of the defendant." *Askland*, 784 N.W.2d at 62. This factor imputes the "[d]efendant's willfulness or bad faith . . . to the surety." *State v. Vang*, 763 N.W.2d 354,

358 (Minn. App. 2009). The third factor considers “the good-faith efforts of the bond company to apprehend and produce the defendant.” *Askland*, 784 N.W.2d at 62. The fourth factor is “any prejudice to the [s]tate in its administration of justice.” *Id.*

The surety bears the burden of showing that the first three factors weigh in its favor. *Id.* But the state bears the burden of proving the fourth factor—prejudice. *Id.*

In its order denying the petition, the district court concluded that three of the four *Shetsky* factors weighed in favor of forfeiture. Midwest argues that the district court abused its discretion in reaching this conclusion. To determine whether the district court abused its discretion, we review its assessment of each factor in turn.

1. The Purpose of Bail, the Civil Nature of the Proceedings, and the Cause, Purpose, and Length of Defendant’s Absence

The district court outlined in detail the considerations encompassed by the first *Shetsky* factor—the purpose of bail, the civil nature of the proceedings, and the cause, purpose, and length of the defendant’s absence. It then noted that Midwest did not produce Coonradt after she failed to appear for sentencing by Zoom in January 2021, that it was “the sixth time” Coonradt had failed to appear in court on this charge, and that Coonradt was on warrant status for about six months in total, with her most recent disappearance lasting approximately 126 days. Based on these facts, the district court determined that Midwest failed to meet its burden on the first *Shetsky* factor.

Midwest argues that this factor weighs in its favor for several reasons. First, it contends that courts have found the purpose of bail satisfied when defendants were apprehended after failing to appear for similar periods of time, citing *Farsdale v. Martinez*,

586 N.W.2d 423, 424-25 (Minn. App. 1998), *Askland*, 784 N.W.2d at 61, and a nonprecedential decision of this court.¹ Second, Midwest asserts that “this was the first time [Coonradt] had failed to appear for a hearing while released on [these] bonds and the fourth time overall during the case . . . not the sixth.” Third, Midwest emphasizes that Coonradt was at large for only about a month before being taken into custody in South Dakota, citing *Shetsky*, 60 N.W.2d at 45 n.3, for the proposition that being in custody in another jurisdiction is a valid reason for a defendant’s failure to appear. Finally, Midwest suggests that Coonradt may not have had access to the necessary technology to attend a Zoom hearing.

We discern no abuse of discretion in the district court’s determination that the first factor favors forfeiture. We reach this conclusion for several reasons. First, Coonradt’s failure to appear at her sentencing hearing in January 2021 is attributable to Midwest. And Midwest did not ultimately secure Coonradt’s presence, unlike the bond companies in *Askland* and *Farsdale*. Instead, Coonradt was brought back to court after being apprehended on other charges and extradited from South Dakota. And, though the purpose of bail may still be achieved when a defendant is ultimately returned by law enforcement rather than by a bond company, the bond company’s role in returning the defendant remains a central consideration. *See Askland*, 784 N.W.2d at 61, 63 (finding reinstatement warranted where bond company located, apprehended, and delivered defendant); *Farsdale*, 586 N.W.2d at 426 (finding reinstatement warranted where bondsman made numerous

¹ We are not bound by nonprecedential opinions. *Dynamic Air, Inc. v. Bloch*, 502 N.W.2d 796, 800 (Minn. App. 1993).

attempts to locate defendant and requested that law enforcement expand the scope of their search, which ultimately led to defendant's arrest).

Second, the fact that Coonradt eventually returned to court after failing to appear is not dispositive, because bail is intended both to ensure that a defendant appears for trial and to avoid “delaying, impairing, or unduly burdening the administration of justice.” *Shetsky*, 60 N.W.2d at 46. Because Coonradt failed to appear for sentencing and was then missing on warrant status for a significant period of time—approximately 126 days—this purpose was not achieved. Third, while being held in another jurisdiction further delayed Coonradt's appearance, it was not the initial reason for her failure to appear and therefore not a valid excuse. And finally, Midwest presented no evidence that Coonradt lacked the technology needed to attend her scheduled sentencing hearing by Zoom.

Though the district court did mistakenly reference six failed appearances instead of four, we conclude that this error does not amount to an abuse of discretion because the primary reasons for the district court's determination were Coonradt's failure to appear for sentencing and Midwest's failure to fulfill the purpose of the bonds. We therefore conclude that the district court did not abuse its discretion in considering the first *Shetsky* factor.

2. The Good Faith of the Bond Company as Measured by the Fault or Willfulness of the Defendant

The district court also determined that the second *Shetsky* factor weighed against Midwest, finding that Coonradt's “appearance track record speaks for itself” and that she was “clearly unwilling to appear in court voluntarily.” The district court emphasized that Coonradt failed to appear for multiple hearings and that multiple warrants were issued for

her arrest. The district court also found that Midwest “took the risk of [Coonradt’s] history of not appearing, as evidenced by their posting of a bond on her behalf before.”

Midwest argues that this factor weighs in its favor because it made good-faith efforts to find Coonradt after she failed to appear for sentencing. Midwest contends that the district court should have balanced its good-faith efforts to secure Coonradt’s presence against Coonradt’s bad-faith failure to appear. Midwest also argues that the district court should not have considered Coonradt’s previous history of failing to appear as a measure of her willfulness.

We discern no abuse of discretion by the district court in determining that this factor weighed against Midwest. Midwest’s argument—that the district court erred by failing to balance Midwest’s good-faith efforts against Coonradt’s fault—misses the mark. The second *Shetsky* factor does not require a balancing of the bond company’s efforts against the defendant’s fault. It concerns only the defendant’s fault or willfulness, which is imputed to the bond company. *Askland*, 784 N.W.2d at 62; *Vang*, 763 N.W.2d at 358. And Midwest offered no evidence of a valid justification for Coonradt’s failure to appear. Because the district court did not abuse its discretion in determining that Coonradt’s failure to appear for sentencing was willful and in bad faith, it did not abuse its discretion in concluding that the second *Shetsky* factor weighed against Midwest.

3. Good-Faith Efforts of the Bond Company to Apprehend and Produce the Defendant

The district court found that this factor “slightly favor[ed] reinstatement of the bonds,” acknowledging that Midwest made good-faith efforts to locate Coonradt. But the

district court again emphasized that Midwest “took the risk of [Coonradt’s] nonappearance, knowing her previous poor history of appearing in court.” The district court also noted that a court is not required to reinstate a bond based on a surety’s good-faith efforts, “especially when the [d]efendant is actually produced by police.”

Midwest argues that this factor weighs in its favor because it engaged in good-faith efforts to find Coonradt after she failed to appear for sentencing. Midwest argues that these efforts, outlined in an affidavit signed by its representative, were sufficient. These efforts included attempting to contact Coonradt by phone, running an electronic search of Minnesota jails, hiring a fugitive-recovery agency, looking for Coonradt at multiple addresses, running a social media and “skip tracing” search, and providing the resulting information to law enforcement. The state counters that “[t]oken efforts on the part of the surety do not necessarily entitle a bond to reinstatement.”

We defer to the district court’s determination that Midwest engaged in good-faith efforts to locate Coonradt rather than merely “token efforts” as argued by the state. We also conclude that the record supports the district court’s determination that this factor weighed only “slightly” in favor of reinstatement—while Midwest made some efforts to locate Coonradt, it could have taken additional steps that might have led, for example, to discovering that Coonradt was in custody in South Dakota. We therefore conclude that the district court did not abuse its discretion in evaluating the third *Shetsky* factor.

4. Prejudice to the State in its Administration of Justice

Finally, the district court determined that the fourth *Shetsky* factor favored forfeiture because “justice was certainly delayed in this case.” The district court observed that

Coonradt's failed appearances caused a significant delay in sentencing for a felony offense and therefore prejudiced the state. The district court also noted that the state had to seek a rendition warrant and extradite Coonradt to Minnesota.

Midwest argues that this factor weighs against forfeiture because "the state admitted it was not prejudiced by having to extradite [Coonradt] and provided no evidence that its ability to prosecute [Coonradt] was in any way affected by her absence." Midwest also emphasizes that Coonradt was in custody in another jurisdiction during the delay in her sentencing. By contrast, the state emphasizes that 1,016 days passed between Coonradt's initial arrest and her sentencing and argues that "[t]here can be no dispute that this amount of time caused prejudice to the [s]tate."

We again discern no abuse of discretion by the district court in concluding that this factor weighed against Midwest. Prejudice to the state includes delay in the administration of justice and the cost of apprehending a defendant. *See Shetsky*, 60 N.W.2d at 48. And the state is prejudiced when it is prevented from sentencing a defendant for a felony offense. *Vang*, 763 N.W.2d at 359 ("The adverse effect on the prosecution because of the defendant's unexcused absence weighs heavily against the remittance of the forfeited bond." (quotation omitted)). Here, the record supports the district court's finding of prejudice to the state due to the delay in the administration of justice. Coonradt was absent and unavailable to be sentenced for a felony offense for five months, and the state incurred extra costs in extraditing her back to Minnesota. That Coonradt was in custody elsewhere during that time does not alter the prejudicial effect of the delay on the state's ability to sentence her.

In sum, the district court did not abuse its discretion in considering the *Shetsky* factors and determining that they weighed against reinstatement and discharge. Therefore, the district court did not abuse its discretion by denying Midwest's petition.

Affirmed.