

SUMMARY STATEMENT

State of Idaho v. Travis Wharton and Aladdin Bail Bonds as claimed agent for American Contractors Indemnity Company
Docket No. 44279

In a case arising out of Elmore County, the Idaho Court of Appeals affirmed the order of the district court denying Aladdin Bail Bond's motion to set aside forfeiture and exonerate bond posted on behalf of Travis Wharton.

When Wharton failed to appear for a motion hearing, the district court revoked Wharton's bail, issued an arrest warrant, and ordered the bond posted by American Contractors be forfeited. Aladdin filed a motion to set aside the order of forfeiture and to exonerate American Contractors from further liability under the bond. The district court denied the motion. On appeal, Aladdin argued the district court incorrectly found that there was no evidence indicating that Aladdin was the person posting bond under Idaho Criminal Rule 46(h)(1)(B) and as such, the district court abused its discretion in denying Aladdin's motion to set aside forfeiture. Additionally, Aladdin asserted the district court abused its discretion when it declined to consider Aladdin's efforts to locate and apprehend Wharton as an additional relevant factor under I.C.R. 46(h)(1).

The Court of Appeals held the district court's factual findings were not clearly erroneous, that the district court did not abuse its discretion in holding that Aladdin failed to establish an agency relationship with American Contractors, and that Aladdin's recovery efforts could not be attributed to American Contractors under I.C.R. 46(h)(1)(b). The Court of Appeals did not address Aladdin's argument that the district court should have considered Aladdin's efforts as an additional relevant factor under I.C.R. 46(h)(1) because Aladdin did not preserve this argument for appeal.