

BOISE, THURSDAY, SEPTEMBER 17, 2020, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47533

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
MR. BAIL, INC.,)
)
Real Party in Interest-Appellant,)
)
and)
)
WILLIE K. RABEY,)
)
Defendant.)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Hon. Nancy Baskin, District Judge; Hon. Theodore Fleming, Magistrate.

Trilogy Law Group, PLLC; Aaron J. Tribble, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Mr. Bail, Inc., a bail bond company and the real party in interest, appeals the district court's intermediate appellate decision affirming the magistrate court's denial of Mr. Bail's motion to exonerate a \$10,000 bond. Mr. Bail failed to file its motion to exonerate this bond within 180 days after the order forfeiting the bond as required by Idaho Code § 19-2917 and Idaho Criminal Rule 46(h)(1). Mr. Bail does not dispute its motion was untimely; rather, it argues its failure to timely file the motion was excusable neglect under Idaho Criminal Rule 45(b)(1)(B).

As evidence of excusable neglect, Mr. Bail presented its general manager's testimony that Mr. Bail tracks its bonds via a spreadsheet and that this particular bond was not entered into the spreadsheet for purposes of tracking. Although the magistrate court accepted this explanation, the court denied Mr. Bail's motion as untimely, concluding Mr. Bail's oversight was not excusable neglect because the court had earlier reminded Mr. Bail about the outstanding

forfeiture in a prior proceeding and before the expiration of the 180 days to file the motion. Alternatively, the magistrate court considered the factors for setting aside a bond forfeiture under I.C.R. 46(h)(1) and denied Mr. Bail's motion on the merits. Mr. Bail appealed to the district court, which affirmed the magistrate court's denial.