

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court File No.: 27-CR-22-19036

Plaintiff,

vs.

**PETITION FOR
REINSTATEMENT AND
DISCHARGE OF BAIL**

Crystal Latasha Mcbounds,

Defendant.

IN RE: The Application of Minnesota Freedom Fund

Pursuant to Rule 702(f) of the Minnesota General Rules of Practice for the District Courts, the Minnesota Freedom Fund (“MFF”) hereby petitions the Court for reinstatement and discharge of cash bail in the amount of \$5,000.00 that was posted on behalf of the above-named Defendant, Crystal Latasha Mcbounds (“Ms. Mcbounds”).

After a bail or bond provided by a third party has been ordered forfeited, this Court has discretion to “forgive or reduce the penalty if, based on the circumstances of the case and the situation of the parties, it determines that such action is just and reasonable.” *State v. Storkamp*, 656 N.W.2d 539, 541 (Minn. 2003) (citing Minn. Stat. § 629.59 (2002)). To determine whether bail should be reinstated, the Court considers four factors: “(1) the purpose of bail, the civil nature of the proceedings, and the cause, purpose, and length of a defendant’s absence; (2) the good-faith of the bond company as measured by the fault or

willfulness of the defendant; (3) the good-faith efforts of the bond company to apprehend and produce the defendant; and (4) any prejudice to the State in its administration of justice.” *State v. Askland*, 784 N.W.2d 60, 62 (Minn. 2010) (citing *In re Shetsky*, 60 N.W.2d 40, 46 (Minn. 1953) and *Storkamp*, 656 N.W.2d at 542).

First, reinstatement and discharge are appropriate because MFF posted bail for Ms. Mcbounds to secure her release from pretrial detention. One of the purposes of bail is to “relieve the accused of imprisonment pending [her] trial.” *State v. Taylor*, No. A19-0260, 2019 WL 3886877, at *3-4 (Minn. App. Aug. 19, 2019). Here, on October 14, 2022, the purpose of bail was satisfied when Ms. Mcbounds was released from Hennepin County Public Safety Facility pending her trial. *See* Aff. of Bernice B. Hodge (“Hodge Aff. ¶ 3”). Additionally, reinstatement and discharge are appropriate because Ms. Mcbounds’ length of absence, from the time she missed her court hearing to when she was arrested, only lasted seven days. *See* Hodge Aff. ¶¶ 4, 6. Thus, the first factor weighs in favor of bail reinstatement.

Second, reinstatement and discharge are appropriate because MFF is a nonprofit organization that posts bail, in good-faith, on behalf of criminal defendants. MFF secures criminal defendants’ pretrial release but also helps facilitate appearances to reduce willful conduct. In *Storkamp*, the Court noted, “the surety ensures the accused’s presence at trial without impairing or delaying the administration of justice.” 656 N.W.2d at 541. Here, as a nonprofit organization, MFF operated in good-faith by posting bail for Ms. Mcbounds. *See* Hodge Aff. ¶ 3. Additionally, MFF operated in good-faith by closely tracking Ms.

Mcbounds' hearing dates. *See* Hodge Aff. ¶ 8(c). MFF performed these steps to reduce any willful conduct. *Id.* Thus, the second factor weighs in favor of bail reinstatement.

Third, reinstatement and discharge are appropriate because MFF made good-faith efforts to ensure Ms. Mcbounds' appearance. In *Taylor*, the Court noted that good-faith efforts were made to locate and secure the accused's appearance when "[the bonding company] was in contact by telephone with the defendant." No. A19-0260, 2019 WL 3886877, at *3 (Minn. App. Aug. 19, 2019); *see also Askland*, 784 N.W.2d at 62 (instructing courts to consider "the good-faith efforts" made toward "produc[ing] the defendant"). Here, MFF made thorough, consistent, and good-faith efforts to ensure Ms. Mcbounds' appearance by speaking with her regarding the services MFF offers to help support individuals released on bail. *See* Hodge Aff. ¶ 8(a). Further, MFF provided Ms. Mcbounds with court reminder calls in advance of her hearings. *See* Hodge Aff. ¶ 8(b). Even after Ms. Mcbounds' failed to appear, MFF attempted to promptly contact and inform her that a bench warrant had been issued for her arrest. *See* Hodge Aff. ¶ 8(d)(e). Thus, the third factor weighs in favor of bail reinstatement.


Lastly, reinstatement and discharge are appropriate because the State did not face any prejudice in its administration of justice. In *Askland*, the Court stated, "...the prejudice-to-the-State factor in the *Shetsky* analysis is concerned solely with prejudice to the State in prosecuting the defendant." 784 N.W.2d at 63; *see also Stormkamp*, 656 N.W. 2d at 542 (noting that the prosecution must "provide evidence that it was deprived of proof or otherwise adversely affected"). Here, the State was not prejudiced because Ms. Mcbounds' length of absence was only seven days – a brief absence. *See* Hodge Aff. ¶¶ 4,6.

Additionally, the State is not adversely affected because, even after Ms. Mcbounds' brief absence, the State continues to proceed forward in prosecuting this case as demonstrated by an upcoming court appearance scheduled for December 19, 2023. *See Hodge Aff.* ¶ 8(g). Thus, the fourth factor weighs in favor of bail reinstatement.

In conclusion, based on all four *Shetsky* factors being met, MFF therefore respectfully requests that its bail be reinstated and discharged, minus the mandatory 10% penalty, since the filing of this petition is more than 90 days after the date of forfeiture.¹ *See Minn. Gen. R. Prac.* 702(f).

Respectfully Submitted,

Dated: September 25, 2023


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¹ A signed Form CRM602, Assignment of Bail to a Third Party, was previously filed with the Court on October 17, 2022.