

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT CRIMINAL DIVISION
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Aesha Ibrahim Osman,

Defendant.

**ORDER UPON MOTION FOR BOND
REINSTATEMENT AND DISCHARGE**

File No. 27-CR-18-18391

Bail Bond Power No. FCS25-1875596

Based upon Petitioner's affidavit, as well as upon all the files, records, and proceedings herein;

The Court has considered the *Shetsky* factors¹ and finds that:

1. When considering the purpose of bail and the civil nature of the proceedings, and the cause, purpose, and length of the defendant's absence, this factor:
☒ weighs against reinstatement. ☐ weighs in favor of reinstatement. ☐ is neutral.
Specifically, the purpose of bail wasn't substantially accomplished. Bail Bond Doctors, Inc. (BBDI) was not able to locate, arrest, and return Ms. Osman to court. She was only returned after she was arrested on new charges within Hennepin County two months after her failure to appear in this case.
2. When considering the good faith of the surety as measured by the fault or willfulness of the defendant, this factor:
☒ weighs against reinstatement. ☐ weighs in favor of reinstatement. ☐ is neutral.
Specifically, Ms. Osman's absence was willful.
3. When considering the good faith efforts of the surety, if any, to apprehend and produce the defendant, this factor:
☒ weighs against reinstatement. ☐ weighs in favor of reinstatement. ☐ is neutral.
Specifically, the surety made minimal efforts to apprehend and produce Ms. Osman. When BBDI received notice of the bond forfeiture, they contacted the cosigner and advised him to instruct Ms. Osman to turn herself in. When she refused, BBDI hired a primary investigator, although she was apprehended before the investigator even made contact with her.
4. When considering any prejudice to the state in its administration of justice, this factor:
☐ weighs against reinstatement. ☐ weighs in favor of reinstatement. ☒ is neutral.
Specifically, there was minimal prejudice to the state identified. Ms. Osman failed to appear for her omnibus hearing and did not return to court for two months, but that has not been the most significant cause of the delay in this case.

¹ *In re Application of Shetsky*, 239 Minn. 463, 471, 60 N.W.2d 40, 46 (1953).

5. When considered together, along with all other relevant statutes and Court Rules, the court finds the *Shetsky* factors support an order to:
☒ deny the petition. ☐ reinstate the bond in full. ☐ reinstate the bond with a penalty.
6. BBDI may re-petition the Court for reinstatement and discharge when this case has concluded.

Based on the above findings, IT IS HEREBY ORDERED:

- ☒ Bail reinstatement is denied. **Payment must be made in full by the original due date, unless that date has passed.**

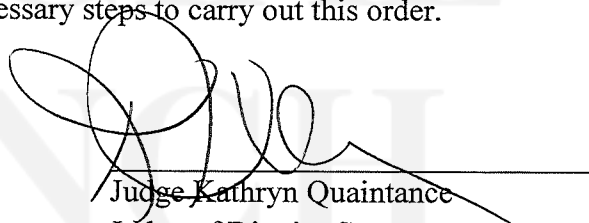
Note: If the due date has passed, payment is due within 30 days of this order.

- ☐ Bail bond power _____ in the amount of \$ _____ is reinstated.
- ☐ Bail bond power _____ in the amount of \$ _____ is reinstated and discharged to _____ (Bond Company).
- ☐ Upon payment of the penalty(ies) listed below, bail bond power _____ in the amount of \$ _____ will be reinstated and discharged to _____ (Bond Company). **Penalty is payable no later than 60 days from the date of this order or the entire bond will become due and owing.**
- ☐ 10% of forfeited bond for filing petition more than 90 but fewer than 180 days from the date of forfeiture
- ☐ \$ _____ for costs to apprehend defendant
- ☐ Other: _____

This decision is a judgment of the court. Petitioner may request a hearing on this decision by letter to the undersigned, a copy of which must be provided to the prosecuting authority.

The Court Administrator is directed to take the necessary steps to carry out this order.

Dated: 3/5/2019


 Judge Kathryn Quaintance
 Judge of District Court