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NO. CAAP-25-0000502

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,  
v.  
CHRISTOPHER ADAMS, Defendant-Appellee,  
and  
ALL IN 1 BONDING, Real Party in Interest-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CASE NO. 1CPC-21-0000146)<sup>1</sup>

**SUMMARY DISPOSITION ORDER**

(By: Wadsworth, Presiding Judge, McCullen and Guidry, JJ.)

Real Party in Interest-Appellant All In 1 Bonding (**All  
Bonding**) appeals from the June 9, 2025 "Order Denying [All  
Bonding's] Motion to Set Aside Bail Forfeiture [**(Motion to Set**

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<sup>1</sup> It appears that the parties' briefs reference the docket of case no. 1CPC-24-0001169. This appeal, case no. CAAP-25-0000502, is taken from the Order Denying All In 1 Bonding's Motion to Set Aside Bail Forfeiture that was filed in case no. 1CPC-21-0000146, and is closely related to case no. CAAP-25-0000501, which is taken from the Order Denying All In 1 Bonding's Motion to Set Aside Bail Forfeiture that was filed in case no. 1CPC-24-0001169. The record on appeal in case no. CAAP-25-0000502 includes the trial court record for both 1CPC-21-0000146 and 1CPC-24-0001169, and the parties make identical arguments in case nos. CAAP-25-0000501 and CAAP-25-0000502.

**Aside)]" (Order)** entered by the Circuit Court of the First Circuit (**circuit court**).<sup>2</sup>

The record reflects that on January 15, 2025, AI1 Bonding posted a \$20,000.00 bail bond on behalf of Defendant-Appellee Christopher Adams (**Adams**). Adams subsequently failed to appear for a hearing. On March 20, 2025, the circuit court entered "Judgment and Order of Forfeiture of Bail Bond" (**Forfeiture Order/Judgment**). On March 26, 2025, the Plaintiff-Appellee State of Hawai'i (**State**) served AI1 Bonding with notice, by certified mail, of the Forfeiture Order/Judgment.

On May 6, 2025 -- forty-one days after being served by certified mail -- AI1 Bonding filed its Motion to Set Aside.

The circuit court heard the Motion to Set Aside on June 4, 2025, and entered its Order on June 9, 2025. The circuit court "[found] that [AI1 Bonding's] [Motion to Set Aside] filed on May 6, 2025, is untimely and the [circuit court] lacks appropriate jurisdiction to rule on any motion filed outside the 30-day period allowable by [Hawaii Revised Statutes (**HRS**) §] 804-51 [(Supp. 2023)]."

AI1 Bonding raises a single point of error on appeal, contending that "[t]he [circuit] court abused its discretion and erred by denying [AI1 Bonding's] [Motion to Set Aside] and

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<sup>2</sup> The Honorable Rowena A. Somerville presided.

stating that the [circuit] court did not have jurisdiction since the motion was not timely filed." (Formatting altered.) "[T]he determination of whether a principal or a surety under a bail bond may secure relief from a judgment of forfeiture, involves a question of law reviewable de novo." State v. Flores, 88 Hawai'i 126, 130, 962 P.2d 1008, 1012 (App. 1998) (cleaned up).

Upon careful review of the record, briefs, and relevant legal authorities, and having given due consideration to the arguments advanced and the issues raised by the parties, we resolve A11 Bonding's contention of error as follows:

As relevant here, HRS § 804-51 provides that, upon the circuit court's forfeiture of a bond in a criminal case, judgment shall be entered "in favor of the State and against the . . . surety." The circuit court,

**shall cause execution to issue thereon immediately after the expiration of thirty days from the date that notice is given** via personal service or certified mail, return receipt requested, to the surety . . . on the bond, of the entry of the judgment in favor of the State, unless **before the expiration of thirty days from the date that notice is given** to the surety . . . on the bond of the entry of the judgment in favor of the State, **a motion or application of the . . . surety . . . , showing good cause why execution should not issue upon the judgment, is filed with the court.**

HRS § 804-51 (emphasis added).

The record reflects that A11 Bonding's Motion to Set Aside was untimely filed on May 6, 2025 -- i.e., forty-one days after it was served, by certified mail, with the Forfeiture Order/Judgment. HRS § 804-51's thirty-day window for filing a

motion to set aside the forfeiture constitutes a jurisdictional requirement that is not waivable by the circuit court. See State v. Vaimili, 131 Hawai'i 9, 15, 313 P.3d 698, 704 (2013) ("[O]nce a bond is forfeited pursuant to HRS § 804-51, a surety has thirty days from the time it receives notice of forfeiture to set aside the forfeiture judgment[.]"); State v. Ranger Ins. Co., 83 Hawai'i 118, 124 n.5, 925 P.2d 288, 294 n.5 (1996) (finding that the surety's motion "was not filed within the time limit imposed by HRS § 804-51, and the circuit court was therefore without power to consider it." (citation omitted)).

On this record, we conclude that the circuit court correctly determined that it lacked the power to consider AI1 Bonding's untimely Motion to Set Aside. See State v. Deplae, No. CAAP-24-0000492, 2026 WL 1683929, at \*2 (Haw. App. June 10, 2026) (SDO). We therefore affirm the June 9, 2025 Order.

DATED: Honolulu, Hawai'i, October 19, 2026.

On the briefs:

Anthony T. Fujii,  
for Real Party in  
Interest-Appellant.

Chad K. L. Au,  
Deputy Attorney General  
for Plaintiff-Appellee.

/s/ Clyde J. Wadsworth  
Presiding Judge

/s/ Sonja M.P. McCullen  
Associate Judge

/s/ Kimberly T. Guidry  
Associate Judge