

Released 12/21/00 - Please attach to Judge Evans' opinion.

STATE V. SEXTON - LAWRENCE APP. NO. 00CA19

Harsha, J., Dissenting:

I believe the court should have granted the appellant's Civ. R. 60(B) motion to a limited extent. Only an amount representing the actual costs or "damages" suffered by the State due to Sexton's original failure to appear should be charged against the bond. Forfeiture of the entire bond results in an abuse of discretion.