

4785.

## APPROVAL, BONDS OF EUCLID VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, October 10, 1935.

*State Employes Retirement Board, Columbus, Ohio.*

4786.

## CRIMINAL LAW—NON-SUPPORT—RECOVERY AGAINST SURETIES WHERE CONVICTED PERSON VIOLATES BOND.

## SYLLABUS:

*Where a bond is given in the penal sum of \$500.00 under the provisions of Section 13010, General Code, conditioned that the convicted person shall make payments of \$4.00 weekly, a recovery in the full amount of \$500.00 may be had against the sureties where the amount owing is \$500.00 or more despite the fact that during such period some weekly payments were made by the convicted person.*

COLUMBUS, OHIO, October 11, 1935.

HON. JOHN M. KIRACOFÉ, *Prosecuting Attorney, Eaton, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Will you give me your opinion on the following statement of facts as to the liability of the surety on the bond and as to the amount of liability thereon? The facts are as follows, to-wit:

On the 6th day of October, 1931, D. W. was indicted by the Grand Jury of this County for non-support of his minor daughter. Later, on the 14th day of December, 1931, the defendant entered a plea of “Guilty” to the charge and, by virtue of Section 13010 General Code, gave bond in the sum of five hundred dollars conditioned that he pay four dollars each week to the Clerk of Courts for the support of the minor daughter, and the sentence of the Court was suspended by virtue of the bond having been given.

Since the filing of the bond, this defendant has paid as weekly