

James v. State (1967)

Appellants challenged the trial court's summary judgment declaring a bond forfeit. The appellants claimed that they raised factual questions entitling them to a trial. The facts showed that the principal did not appear for his trial because after his bond was granted he was extradited to Mississippi, where he had been incarcerated since. The court overruled the State's argument that the incarceration was not a circumstance which arose through no fault of the principal under which a statutory excuse was available. Instead, the court held that the facts presented a viable fact issue entitling the parties to a jury trial on the question of forfeiture.