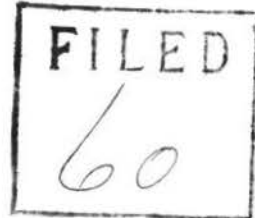


INFORMATION: Opinion on form of Information.

Paris, Missouri  
July 29, 1933



Hon. J. B. McGuffin,  
Prosecuting Attorney,  
St. Vernon, Missouri

Dear Mr. McGuffin:

We acknowledge receipt of your request for an opinion on the information enclosed in your letter which request reads as follows:

"I am submitting this draft, which I have written, to you before filing same so that you may make any alterations or make a new draft of information to be filed if you see proper."

Upon inspection of the copy of the information it appears that six separate and distinct charges of felony are united in one information. Are the six offenses charged, such as are permitted to be joined in the same information? We are of the opinion they are not and cite the following cases in support of that holding.

State v. Carrigan, 210 No. 359-371  
State v. Christian, 253 No. 1. cl 391-4  
State v. Young, 266 No. 1. c. 731-2  
State v. Link, 315 No. 1. c. 193-9

Upon examination of Section 4090 R. S. 1929, we find that a commissioner of a Special Road District would not come in the class of offenders named in said section unless

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it could be said such commissioner is a member of a board of trustees or a member of any Municipal Corporation and there is grave doubt that it could be said that a commissioner of a Special Road District is either, however a Special Road District under Section 3025 R. S. 1929 is a body corporate, but not municipal.

Passing to Section 4091 R. S. 1929, we find enumerated among a long list of those who may offend, this class "Any member of any commission." Therefore, having this in mind and referring to count one in the copy of your information, we have drawn an information in two counts, one under each division of said section 4091 R. S. 1929 which we think is permissible as it relates to the same transaction, and a conviction under either would work an acquittal of the other.

All of the counts appear to be of the same character. You therefore should file as many informations as the facts warrant and the circumstances justify. The copy of the information which we have drawn is herewith enclosed.

Yours very truly,

Approved

Assistant Attorney General.

Attorney General