

OUSTER PROCEEDINGS:

Civil procedure applies to
service of summons.

February 11, 1936

Honorable Walter G. Stillwell
Prosecuting Attorney
Marion County
Hannibal, Missouri



Dear Mr. Stillwell:

You have requested our opinion on the following ques-
tion:

"A suit has been brought by me as Prosecuting
Attorney under Section 11202, R. S. Mo. 1929
to remove Arch C. Leonard from his position
as Sheriff of Marion County, based on alleged
violations of the criminal law.

"What is the nature of the service of process
required to give the defendant jurisdiction in
certain cases?"

It is our opinion that this action is a civil action
and the pleadings, process and other procedure are to be
governed by the general code of civil procedure. It is
therefore necessary that a summons be served upon the de-
fendant in said proceeding at least thirty days before the
first day of the next succeeding term of the court in which
the case is filed, to-wit, in your particular case, the
April, 1936 term of the Hannibal Court of Common Pleas.
Service should be obtained returnable to said April term
in the ordinary manner used in any civil case.

Under the statute, it is our further opinion that
said service is to be had by the present Coroner of Marion
County.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

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