

CRIMINAL LAW)
VENUE)

A person receiving or holding stolen property
may be informed against in any county in which
he receives or holds such property.

November 25, 1938

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Hon. E.L. Redman
Prosecuting Attorney
Gentry County
Albany, Missouri

Dear Mr. Redman:

This is in reply to your letter of recent date wherein you request an opinion from this Department on the question of where the venue is laid in the case of a person receiving stolen property in violation of the provisions of Section 4083 R.S. Missouri 1929. Your query goes to the point "Does the statute contemplate two offenses, one buying and one receiving stolen property, or is it but one offense, and will it take the delivery and final receiving of the hogs to complete the fact of the buying?"

The section to which you refer of buying and receiving stolen property is 4083 R.S. Missouri 1929, which is as follows:

"Every person who shall buy, or in any way receive, any goods, money, right in action, personal property, or any valuable security or effects whatsoever, that shall have been embezzled, converted, taken or secreted contrary to the provisions of the last four sections, or that shall have been stolen from another, knowing the same to have been so embezzled, taken or secreted, or stolen, shall, upon

conviction, be punished in the same manner and to the same extent as for the stealing of money, property or other thing so bought or received."

From the case which you have referred to in your request it seems that these two brothers have bought these hogs in one county and had them delivered to another county and then have held them in another county, and you are wondering now as to where the venue is laid in such a case. We note that Section 3378 R.S. Missouri 1929, fixes the venue of such cases. This section reads as follows:

"When any person shall be liable to prosecution as the receiver of any personal property that shall have been feloniously stolen, taken or embezzled, he may be indicted, tried and convicted in any county where he received or had such property, notwithstanding such theft or embezzlement was committed in another county."

Reading these two sections together it seems that the offense of Section 4083 is the receiving and holding of such property and that a person may be charged under Section 3378 with the commission of this offense in any county in which he receives or holds such property, notwithstanding that such property may have been purchased or taken in any other county.

CONCLUSION

This Department is therefore of the opinion that any person who buys, or in any way receives any goods, money, right in action, personal property or valuable security or effects whatsoever that have been embezzled, converted, taken

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or secreted contrary to the provisions of the criminal laws, or which have been stolen from another knowing the same to have been so embezzled, taken, secreted or stolen may be prosecuted in any county in this state where such party may receive or hold such property taken as aforesaid.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

TWB:MM