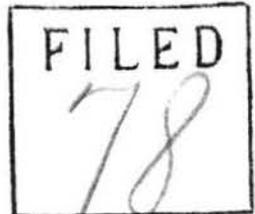


WARRANT:--Issued out of justice court in one county, how served in another.

February 10, 1938

Mr. H. P. Savage  
Memorial Building  
429 Main Street  
Rockport, Missouri



Dear Sir:

We have your request of February 8th for an opinion stating that the Sheriff of Jackson County has refused to execute a warrant in a felony case which was issued out of your justice court. Your inquiry is concerning the proper procedure to get this warrant executed.

In answer thereto I call your attention to Section 3470 R. S. Mo. 1929, which in part provides as follows:

"If the person against whom any warrant granted by a \* \* \* justice of the peace \* \* \* be in any other county, it shall be the duty of any magistrate \* \* \* in the county in which such offender may be \* \* \* on proof of the handwriting of the magistrate issuing the warrant to indorse his name thereon, and thereupon the offender may be arrested in such county by the officer bringing such warrant \* \* \*"

Mr. H. P. Savage

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February 10, 1938

This statute clearly sets forth your procedure. You are entitled to send the sheriff or constable of your county to Jackson County to make the arrest, and the only requirement is that the sheriff or constable find some justice of the peace and get the warrant indorsed, after which the officer can go and make the arrest.

Respectfully submitted,

FRANKLIN E. REAGAN,  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

FER:MM