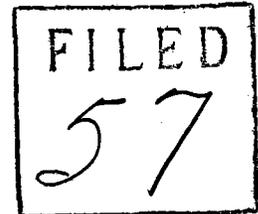


AUTOMOBILES: Criminal liability of innocent purchaser of an automobile through forged transfer of certificate of title.

January 31, 1945



Mr. W. V. Mayse
Prosecuting Attorney
Bethany, Missouri

Dear Sir:

Under separate cover, you were mailed the book of informations which you asked for in your letter of January 25, 1945.

In this letter you asked for an opinion as to the criminal liability of an innocent purchaser of an automobile through a forged transfer of the certificate of title, under Section 8382, R. S. Missouri, 1939, and state the following facts:

"(A) owns an automobile and has the title to the same, registered in his name. (B) gets possession of the title or deed without the knowledge of (A) and induces (C) to forge (A's) name on the back of the car title or deed purporting to transfer ownership of the car to (D) an innocent purchaser who does not know that the title which he purchased was a forgery.

"I have in mind that (D) himself may be punished criminally under the provision of our motor vehicle law."

This act is designed for the protection of the public to prevent traffic in stolen automobiles, and since the purchaser was not a party to the forgery and

Mr. W. V. Mayse

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was innocent as to all elements of the forgery, he could not be prosecuted for his act. Evens v. Home Insurance Company of New York, 82 S. W. (2d) 111, 231 Mo. App. 1017.

CONCLUSION

It is the opinion of this department, under the facts stated, that there could not be a prosecution of the purchaser in this matter.

Respectfully submitted

W. BRADY DUNCAN
Assistant Attorney General

APPROVED:

HARRY H. KAY
(Acting) Attorney General

WBD:HR