

OPINION NO. 370  
Answered by Letter - Northcutt

December 21, 1962



Honorable Robert P. C. Wilson, III  
Prosecuting Attorney  
Platte County  
Platte City, Missouri

Dear Mr. Wilson:

As a follow-up to the telephone conversation between yourself and Mr. Northcutt this morning, in regard to your request of October 4th for an opinion of this office, it is our opinion that the questions which you have asked are at this time moot, and therefore, we decline to answer them.

The basis upon which we come to the conclusions that the questions presented are moot is that Section 57.250 provides that the Circuit Judge shall make an order permitting the sheriff to appoint deputies and assistants, and the order also shall fix their compensation. In other words, the sheriff must receive the approval of the Circuit Judge for the appointment of all deputies and assistants and the Circuit Judge must make a specific order as to the deputies and assistants.

Therefore, until the Circuit Judge has made such approval, the sheriff may not appoint such assistants or deputies and the County Court may not pay such assistants and deputies.

I hope that this letter, in connection with our telephone call this morning, satisfactorily takes care of this problem.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

RRN:ap