



May 9, 1963

Honorable William J. Esely
Prosecuting Attorney
Harrison County
P. O. Box 104
Bethany, Missouri

Dear Mr. Esely:

This will acknowledge your letter of May 6, 1963, requesting the opinion of this office on the question of whether all actual jury costs on a change of venue in a criminal case, where the defendant was convicted, are taxable against the county where the information was filed.

Under date of January 4, 1963, this office answered a somewhat similar request from the Hon. John A. Honssinger, Prosecuting Attorney, Laclede County. A copy of that opinion is enclosed. A copy of the opinion to Hon. Norman H. Anderson, also dated January 4, 1963, which is referred to in the Honssinger opinion, is also enclosed.

The foregoing opinions will answer the question on which your circuit clerk desires an opinion. The county from which the change of venue was taken is not liable for any jury costs other than those which are expressly made taxable as costs.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

JN:sr

Enclosures - 2