

April 5, 1965



Honorable James T. Riley
Prosecuting Attorney
Cole County
Jefferson City, Missouri

Dear Mr. Riley:

The following is in answer to the question submitted to this office by you as stated in a letter from the Honorable Guy M. Sone, Clerk of the Circuit Court of Cole County, Missouri, addressed to your office. Mr. Sone's letter, in part, stated:

"In submitting Bills of Costs to the Office of the Comptroller, State of Missouri, where more than one defendant has entered pleas of guilty and sentenced to the Department of Corrections, I include on all my fee bills 15¢ for each plea of guilty.

"In other words, if there are two defendants, then I enter fees of 15¢ for each defendant or a total of 30¢. If there are five pleas of guilty in one case, then I tax the costs as 75¢.

"The Criminal Costs Clerk will allow only one plea of guilty, regardless of the number of defendants. He relies on an opinion of the Attorney General under date of April 2, 1948."

It should first be noted that the Opinion referred to in Mr. Sone's letter, which was issued April 2, 1948 to the Honorable H. Glen Weber does not control in the question raised above. The question of whether or not a judgment rendered against co-defendants in a criminal proceeding may be assessed as one or two judgments is not in point.

The question raised in Mr. Sone's letter is confined to fees assessed upon entry of a guilty plea. Without question, each

Honorable James T. Riley -2-

defendant individually enters a judgment plea. While there are no Missouri cases in point, the Supreme Court of Indiana was faced with such a problem. In State vs. Kinneman, 39 Ind. 36, the Court held that where each of two defendants pleading guilty and the statute provided a fee on plea of guilty, there must be as many pleas entered as there were defendants who so pleaded.

It is the opinion of this office that Section 483.530, RSMo 1959, authorizes a fee on plea of guilty and that the Clerk is entitled to assess such a fee on each individual plea of guilty.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

WAP:mac

cc: Hon. Guy M. Sone, Clerk
Cole County Circuit Court

Mr. Bud Renn
Criminal Costs Clerk
Division of Budget and Comptroller