



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

April 9, 1965

Honorable R. L. Lattimore
Criminal District Attorney
Hidalgo County
Edinburg, Texas

Opinion No. C-418

Re: Whether Hidalgo County can pay an attorney appointed by the court to represent indigent defendants in misdemeanor cases.

Dear Mr. Lattimore:

You have requested an opinion of this office regarding the above question.

The Commissioners Court is a court of limited jurisdiction and has only such powers as are conferred upon it by the statutes and Constitution of this State, whether by express terms or by necessary implication. Section 18, Article V, Constitution of Texas; Article 2351, Vernon's Civil Statutes; Bland vs. Orr, 90 Tex. 492, 39 S.W. 558 (1897); Mills vs. Lampasas County, 90 Tex. 603, 40 S.W. 403 (1897); Anderson v. Wood, 137 Tex. 201, 152 S.W.2d 1084 (1941); Canales vs. Laughlin, 147 Tex. 169, 214 S.W.2d 451 (1948); Starr County vs. Guerra, 297 S.W.2d 379 (Tex.Civ.App. 1956); Van Rosenberg v. Lovett, 173 S.W. 508 (Civ.App. 1915, error ref.).

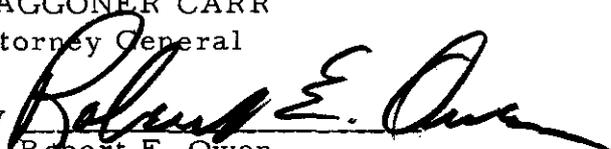
Article 494a, Section 1, Vernon's Code of Criminal Procedure, provides for payment to counsel appointed by the court to represent indigent defendants in felony cases. No authority is found in the law of this State authorizing payment to attorneys appointed by the court to represent indigent defendants in misdemeanor cases.

S U M M A R Y

Hidalgo County cannot pay attorneys appointed to represent indigent defendants in misdemeanor cases.

Yours very truly,

WAGGONER CARR
Attorney General

By 
Robert E. Owen
Assistant

REO:sss

Hon. R. L. Lattimore, page 2 (C-418)

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman
John Reeves
Milton Richardson
Sam Kelley
Brady Coleman

APPROVED FOR THE ATTORNEY GENERAL
BY: Stanton Stone