



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

July 21, 1965

Honorable W. E. Coats, Jr.
Criminal District Attorney
Smith County
Tyler, Texas

Opinion No. C-467

Re: Whether a prisoner convicted and fined in more than one misdemeanor case, in laying out the fines in jail is entitled to receive credit on each case at the rate of \$3.00 per day simultaneously.

Dear Mr. Coats:

By letter dated June 25, 1965, you have requested an opinion of this office regarding the above matter.

This question was before the Court in Ex parte Hall, 258 S.W.2d 806 (Tex.Crim. 1953), and Ex parte McLane, 258 S.W.2d 807 (Tex.Crim. 1953), wherein the Court of Criminal Appeals held that even in serving concurrent sentences of imprisonment, a prisoner must serve the fine and costs portions thereof as if they were cumulative. It is true that the Commutation Statute (Article 5118(a), Vernon's Civil Statutes) was amended in 1963, but the amendment was designed solely to allow commutation for good conduct, whether the judgment of conviction is a fine or jail sentence or a combination of jail sentence and fine. No other change was contemplated by the amendment to this statute, in that the amendment did not amend or change Article 785 of the Code of Criminal Procedure. See also Attorney General's Opinion Nos. O-5046 (1943) and V-1031 (1950).

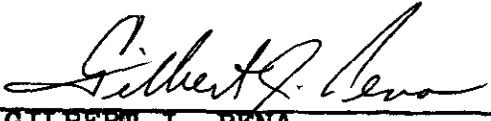
SUMMARY

A prisoner convicted and fined in more than one misdemeanor case, in laying out the fines in jail is not entitled to receive credit on each case at the rate of \$3.00 per day simultaneously.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

Honorable W. E. Coats, Jr., page 2 (C-467)

By 
GILBERT J. PENA
Assistant Attorney General

GJP/br

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
John Fainter
Roy Johnson
Howard M. Fender
Robert W. Norris

APPROVED FOR THE ATTORNEY GENERAL
By: T. B. Wright