

# SAN PATRICIO COUNTY

Office of  
**DAVID AKEN**  
County Attorney  
**RICHARD D. ZAPATA**  
Assistant County Attorney  
**JESUS L. SANTOS**  
Assistant County Attorney

**RECEIVED**  
SEP 12 2007  
**OPINION COMMITTEE**

**RICK MOORE**  
Investigator  
**ROSEBEL CANTU**  
Victim Advocate

September 5, 2007

**RQ-0624-GA**

Via Certified Mail, Return Receipt Requested  
(707 0710 0000 3021 9429)

The Honorable Greg Abbott  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-45351-07  
I.D. # 45351

Re: S.B. No. 909 effective September 1, 2007

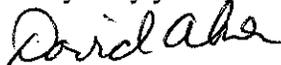
Dear General Abbott:

Pursuant to Section 402.043 of the Texas Government Code, I respectfully request your opinion on the following issue:

The Sheriff (Leroy Moody) of San Patricio County, Texas has requested our office's legal opinion concerning S.B. No. 909 which became effective September 1, 2007 which amends Tex. Code of Criminal Procedure Section 15.19. This bill deals with procedures that must be followed by the Sheriff's office with persons who are subject to a warrant issued under Section 508.251, Government Code (blue warrant). The question is what is a "proper magistrate" or a "proper court" that the arrested person would be brought before. Also would the arrested person have to be brought or sent to the county where he/she was paroled to be taken to the "proper court" or a "proper magistrate" there?

Thank you for your consideration of this request. Should you require any additional information, please do not hesitate to contact me.

Very truly yours,



David Aken  
County Attorney

# SAN PATRICK COUNTY

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RQ-0624-GA

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September 18, 2007

Via Certified Mail, Return Receipt Requested

(7007 0710 0000 3021 9429

The Honorable Greg Abbott  
 Office of the Attorney General  
 P.O. Box 12548  
 Austin, Texas 78711-2548

**RECEIVED**

SEP 18 2007

**OPINION COMMITTEE**

FILE # ML-45351-07

I.D. # 45365

Re: Texas Attorney General Opinion  
 Request- see enclosure

Dear General Abbott:

Our office had submitted a request for an Attorney General Opinion. Please see enclosure (copy of our request). What was not included with our request was a legal brief. We have now been advised that the brief can be done in the form of a letter. This is our legal brief in the form of a letter.

It would appear from reading Senate Bill 909 that a proper court or magistrate would be or include who is a magistrate as listed in section 2.09, Texas Code of Criminal Procedure. On the other hand, who a magistrate is might be ambiguous in that a person arrested might have a misdemeanor warrant (a District court would not be the proper court) or a felony warrant (a County Court at Law Judge would not be the proper Court). Even a reading of the Code Construction Act would not clarify what a proper Court or magistrate may be.

Respectfully,

*Jesus L. Santos*

Jesus Santos  
 Asst. County Attorney