



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL
OPINION NO. 85-72

March 7, 1985

(501) 371-2007

Honorable Byron Thomason
State Representative
State Capitol
Little Rock, Arkansas 72201

Dear Representative Thomason:

This is in response to your inquiry whereby you submitted the following:

1. Do duly elected City Attorneys of cities of the first class have the legal authority to prosecute defendants in Circuit Court on appeals from Municipal Court convictions for violations of State law?
2. Do duly elected City Attorneys of cities of the first class have any legal obligation to prosecute defendants in Circuit Court on appeals from Municipal Court convictions for violations of State law.
3. If the answer to either of the foregoing questions is in the negative, then who has the responsibility to prosecute defendants in Circuit Court on appeals from Municipal Court convictions for violations of State law?

Generally, City Attorneys prosecuted misdemeanor violations of City Ordinances in the Municipal Court and in the Circuit Court on appeal. Likewise, Prosecuting Attorneys prosecuted city misdemeanor cases in Municipal Court and in Circuit Courts on appeal.

If the procedure authorized by Ark. Stat. Ann. §24-122.1 is utilized the City Attorneys may prosecute State misdemeanor violations, which violations occur within the limits of the municipality in Municipal Courts. The statute is silent as to appeals in Circuit Court.

Thus, since no statutory authority is given to City Attorneys to prosecute in Circuit Court for municipal violations of State laws the duty to do so would fall upon the Prosecuting Attorney in accordance with Ark. Stat. Ann. §24-121. This would not be the case, however, if in fact the appeals were for convictions of violations of city ordinances.

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The foregoing opinion, which I hereby approve, was prepared by
Chief Deputy Attorney General Rodney Parham.

Yours truly,

A handwritten signature in dark ink, appearing to read "Steve Clark", written over the typed name.

STEVE CLARK
Attorney General

SC:RP:lm