



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Fred Erisman
Criminal District Attorney
Gregg County
Longview, Texas

Dear Sir:

Attention Mike Anglin
Assistant District Attorney

Opinion No. 0-2218-A
Re: Whether or not proposed movie
contest is a lottery.

We are grateful for your letter of May 14, 1940, supplementing one dated May 6, 1940, wherein a reconsideration of Opinion No. 0-2218 holding a movie contest to constitute a lottery, was requested.

Your letter of the 14th presents a summary of a comprehensive test conducted under your supervision for the purpose of throwing additional light upon the question of whether the element of skill or the element of chance dominates the proposed scheme. We appreciate very much your time and effort spent in developing these additional facts. They have been most helpful. We believe the test conclusively establishes that the element of chance predominates over any existing elements of skill.

Consequently, we are constrained to hold in accordance with original opinion No. 0-2218 that the proposed movie contest plan constitutes a lottery such as is condemned by Art. 654 of the Penal Code.

Very truly yours

ATTORNEY GENERAL OF TEXAS

BY *Walter R. Koch*
Walter R. Koch
Assistant

APPROVED MAY 23, 1940

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

BY *James D. Smullen*
James D. Smullen

JDS:jm

