



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

July 29, 1977

Honorable Bill Stubblefield
County Attorney
Williamson County
Georgetown, Texas 78626

Opinion No. H-1031

Re: Subpoena fees in mis-
demeanor cases.

Dear Mr. Stubblefield:

You have requested our opinion regarding the assessment of subpoena fees in misdemeanor cases.

Article 53.01 of the Code of Criminal Procedure establishes a schedule of fees to "be allowed the sheriff, or other peace officer performing the same services in misdemeanor cases, to be taxed against the defendant on conviction." Attorney General Opinion M-184 (1968) held that these were the proper fees to be assessed in misdemeanor cases, and we are fully in agreement with that conclusion. Article 1029 of the Code of Criminal Procedure is applicable to felony cases, while article 3933a, V.T.C.S., clearly relates to fees in civil matters. Accordingly, it is our opinion that the assessment of subpoena fees in misdemeanor cases is governed by the provisions of article 53.01 of the Code of Criminal Procedure.

S U M M A R Y

The assessment of subpoena fees in misdemeanor cases is governed by the provisions of article 53.01 of the Code of Criminal Procedure.

Very truly yours,

A handwritten signature in cursive script that reads "John L. Hill".

JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

klw