



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

June 12, 1953

Hon. Sam D. Johnson Opinion No. S-51
County Attorney
Hill County
Hillsboro, Texas

Re: The fees which should be paid a court appointed defense attorney under Article 494a, V.C.C.P., when four separate felony causes against the same defendant were tried on the same day.

Dear Sir:

You have requested an opinion on the amount of fees to be paid an attorney appointed to represent a defendant in four separate felony cases when all four cases were tried on the same day. Section 1 of Article 494a, Vernon's Code of Criminal Procedure, provides:

"Whenever the Court shall appoint one or more counsel to defend any person or persons pursuant to law in any felony case in this State, each counsel may, at the discretion of the trial judge, be paid a fee in the sum of Ten Dollars (\$10) per day for each day such appointed attorney is actually in trial court representing the person or persons he has been appointed to represent. Provided, further, that in all cases wherein a bona fide appeal is actually prosecuted to a final conclusion, each appointed counsel may be paid Twenty-five Dollars (\$25) for said appeal. The fee allowed counsel shall be paid by the county wherein such trial is held and such sum to be paid from county funds." (Emphasis added)

It was clearly the intention of the Legislature in enacting Article 494a that each counsel may, at the discretion of the trial judge, be paid the fee of \$10 per day for each felony case. In other words compensation provided in Article 494a is compensation for each felony case tried by an attorney appointed by the

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trial court. Since the trial judge directed that a fee of \$10 be paid in each cause under the facts submitted we agree with your conclusion that the attorney involved in your request is entitled to receive \$10 per case per day in each individual appointment made by the court.

SUMMARY

Under the provisions of Section 1 of Article 494a, Vernon's Code of Criminal Procedure, an attorney appointed by the trial judge to represent a defendant in four separate felony cases is entitled, in the discretion of the trial judge, to be paid the sum of \$10 per day for each felony case tried by him, i.e., four felony cases lasting for a period of one day Forty (\$40) Dollars.

Yours very truly,

APPROVED:

JOHN BEN SHEPPERD
Attorney General

J. C. Davis, Jr.
County Affairs Division

Willis E. Gresham
Reviewer

By *John Reeves*
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JR:am