

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

July 10, 2019

Bryant W. Clark, Esq.  
Special Counsel  
Holmes County Board of Supervisors  
Post Office Box 179  
Lexington, Mississippi 39095

Re: Opinion Request Regarding Justice Court Clerk

Dear Mr. Clark:

Attorney General Jim Hood has received your request for an opinion and has assigned it to me for research and response.

**Background and Issues Presented**

Your request states:

Several years ago a resident of Holmes County was found guilty in the Holmes County Justice Court for several misdemeanor offenses. In some of the cases, the Judge ordered the Defendant to pay a fine and in others the Judge allowed the Defendant to work off his fines. Since the disposition of those cases, a dispute has arisen as to the time worked as well as how much was toward the old fines.

The Defendant has recently appeared before the Board of Supervisors with various records as evidence that he has worked off more time than the Justice Court Clerk's records reflect. As a result, the Defendant is requesting that the Board of Supervisors review the documents and records and make a decision as to whether the clerk records are correct and to direct the Justice Court Clerk to make any necessary changes. Therefore, I request that you provide an opinion to the following question.

After making a finding that Justice Court Clerk records are not correct, can the Board of Supervisors legally direct the Justice Court Clerk to change,

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modify and/or alter fines owed in Justice Court by a Defendant?

**Response**

No. The Board of Supervisors does not have the authority to direct the Justice Court Clerk to change, modify, and/or alter fines the Justice Court Judge ordered to be paid by a defendant.

This office has previously opined that administrative duties are under the authority of the Board of Supervisors while actions of the clerk, with respect to matters in the courtroom, are under the authority of the Justice Court Judge. See MS AG Op., Brown and Cook (June 27, 2014); MS AG Op., Tucker (February 2, 1994). The fines due on a case heard by the Justice Court are determined by the Justice Court Judge.

If we may be of further assistance, please advise.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

OFFICIAL By:  OFFICIAL

Emiko Hemleben  
Special Assistant Attorney General