



Lynn Fitch
ATTORNEY GENERAL
OPINIONS

May 13, 2020

The Honorable Derek D. Hopson, Sr.
Coahoma County Justice Court Judge
601 Dr. Martin Luther King, Jr., Blvd., Suite A
Clarksdale, Mississippi 38615

Re: Technical Assistance in Coordinating Interactive Audiovisual Equipment

Dear Judge Hopson:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

Would it be illegal, unethical, or improper for the private law office assistant of the justice court judge to set up and operate audiovisual equipment necessary to conduct initial appearances in accordance with Miss. Code Ann. Section 99-1-23 and Rule 1.8 of the Mississippi Rules of Criminal Procedure?

Brief Response

It is the duty of the board of supervisors, as the general representative of the county in all fiscal matters, to furnish the courthouse and every county office therein with everything needed for the courtroom or offices. While it is the responsibility of the county to ensure the availability of the equipment in the courtroom, there is no authority nor prohibition in the law regarding who operates the equipment in the courtroom.

The Mississippi Ethics Commission should address that portion of your question pertaining to potentially unethical conduct.

Applicable Law and Discussion

Section 99-1-23 and Rule 1.8 of the Mississippi Rules of Criminal Procedure allow incarcerated

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persons to appear by closed-circuit television or web cam in certain instances. Neither the statute nor the rule speaks to whom is ultimately responsible for setting up or operating such equipment in the courtroom.

However, the Mississippi Supreme Court in *Board of Supervisors of Choctaw County v. Hughes* held that the Board of Supervisors has a primary duty to provide the supplies and equipment necessary for the operation of court. Specifically, the court stated:

The board of supervisors is the general representative of the county in all fiscal matters. This has been its character, and this is its function, time out of mind, under our system of government. Under section 296, supra, [now Section 19-7-23], it is made its duty primarily to furnish the courthouse and every county office therein with everything needed for the courtroom or for said offices. . . .

35 So. 424, 426 (Miss. 1903)(Emphasis added).

Miss. Code Ann. Section 19-7-23 states in relevant part:

The board of supervisors shall provide for properly furnishing the courthouse and for supplying all county offices with necessary record books, stationery, seals, presses, iron safes, tables, chairs, furniture, and all other necessary articles. . .

Furthermore, Article 14 Section 261 of the Mississippi Constitution of 1980 states:

The expenses of criminal prosecutions shall be borne by the county in which such prosecution shall be begun; and all fines and forfeitures shall be paid into the treasury of such county. Defendants, in cases of conviction, may be taxed with the costs.

Based upon the above and foregoing, it is the opinion of this office that it is the county, not the judge, which is responsible for providing all equipment necessary for the court to meet the requirements set forth by court rules and Mississippi statutes. This responsibility would include setting up and operating audio-visual equipment and/or webcams.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Emiko Hemleben

Emiko Hemleben
Special Assistant Attorney General