

COSTS:  
CRIMINAL:  
MAGISTRATE COURT:

Costs for services rendered by reporter or stenographer in transcribing testimony in a homicide case under Section 544.370, Vernon's Annotated Missouri Statutes shall be taxed as costs in the case.



September 14, 1953

Honorable Richard K. Phelps  
Prosecuting Attorney  
Jackson County  
Kansas City, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion as to whether or not the costs for transcribing of testimony of all homicide cases as incurred pursuant to Section 544.370, RSMo 1949, shall be taxed as costs of the criminal case in which they were incurred.

Section 544.370, Vernon's Annotated Missouri Statutes reads:

"544.370. Homicide, written evidence. In all cases of homicide, but in no other, the evidence given by the several witnesses shall be reduced to writing by the magistrate, or under his direction, and shall be signed by the witnesses respectively."

Under Section 485.150, Vernon's Annotated Missouri Statutes, a magistrate may appoint a stenographer or reporter to write and certify evidence of witnesses in homicide cases and further provides for a fee for such services to be taxed as costs and paid as other costs in the case. Section 485.150, supra, reads as follows:

"Each magistrate may appoint a competent stenographer or reporter to write and certify evidence of witnesses in cases of homicide and such stenographer shall be allowed a fee of fifteen cents for

Honorable Richard K. Phelps:

every one hundred words and figures.  
Such fee shall be taxed as costs and  
paid as other costs in the case."

CONCLUSION

It is, therefore, the opinion of this department that the costs for transcribing testimony of homicide cases as incurred under the provisions of Section 544.370, Vernon's Annotated Missouri Statutes, shall be taxed as costs by virtue of said Section 485.150, Vernon's Annotated Missouri Statutes.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly,

JOHN M. DALTON  
Attorney General

ARHjr:mv