

*MADISON COUNTY JUSTICE COURT*

2961 SOUTH LIBERTY, CANTON, MS 39046

601-855-5619



SUSAN MCCARTY, JCC

August 18, 2016

Mr. Tony Greer  
MADISON COUNTY ADMINISTRATOR  
Chancery Building  
Canton MS 39046

VIA EMAIL

RE: EX OFFICIO DEPUTY APPOINTMENTS

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Dear Mr Greer:

I have received a request from the Madison County Sheriff's Department to appoint the following Deputies as Ex Officio Justice Court Deputy Clerks, to help in certifying Affidavits and Citations for the midnight shifts and for deputies working the DUI grant at night.

My appointment can only be done upon the Board's approval, and I would ask that they do so, as this helps expedite the filings within the Court.

Costs involved would be the Bonds per Statute for Justice Court Deputy Clerks.

The Deputies requested by the Sheriff Office to be appointed are SLADE MOORE and BARRY CHANDLER.

I have attached copy of Chief Williams' email. Also attached are AG's Opinions to Genin and Griffith for reference.

Your usual kind attention to this matter is greatly appreciated.

Yours truly,

MADISON COUNTY JUSTICE COURT

A handwritten signature in cursive script, appearing to read "Susan McCarty JCC".

Susan McCarty, JCC

File/

Cc: Sheriff Randall Tucker  
Chief Jeremy Williams

**Susan McCarty**

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**From:** Jeremy Williams  
**Sent:** Tuesday, August 16, 2016 10:35 AM  
**To:** Susan McCarty  
**Subject:** deputy clerks

Mrs. McCarty:

As we discussed yesterday we have a need for deputy justice court clerks on the midnight shift and for deputies working the DUI grant at night. I failed to notify you that Slade Moore had been promoted to sergeant on the midnight shift. Historically we have suggested that the deputy clerks be the shift supervisors. In addition, Deputy Barry Chandler would be an excellent choice to help with those deputies working the DUI grant.

If you agree my recommendations would be to have Sgt. Slade Moore and Deputy Barry Chandler appointed as deputy court clerks to cover this need. Let me know if you have any thoughts.

Thanks,

Jeremy Williams  
Chief Deputy

Madison County Sheriff's Department  
2941 Hwy 51 Canton, MS 39046  
Office Phone: 601-855-0715  
Fax: 601-855-0779



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WestlawNext Mississippi Attorney General Opinions

Honorable John L. Genin

Office of the Attorney General  
August 9, 1996

1996 WL 508595 (Miss.A.G.)

Office of the Attorney General

State of Mississippi

\*1

Opinion No.

96

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0538

\*1 August 9, 1996

Re: Dispatchers Serving as Deputy Clerks

\*1 Honorable John L. Genin  
\*1 Hancock County Prosecutor  
\*1 Post Office Box 307  
\*1 Bay St. Louis, Mississippi 39520

Dear Mr. Genin:

\*1 Attorney General Mike Moore has received your letter of request and has assigned it to me for research and reply. Your letter states:

\*1 Night shift and weekend officers place subjects in jail for D.U.I.'s and other crimes during their shift when judges and court clerks are not available to take their oath on tickets or affidavits. When the judges and the court clerks are available the officer is off duty and at home sleeping. This leads to my question. Can dispatchers become notary publics or deputy clerks and take and sign oaths on tickets and affidavits?

\*1 Would your answer apply to both tickets and affidavits returnable to justice court and municipal court?

\*1 In response, I have attached a prior opinion of this office, MS AG Op, Griffith (January 27, 1986) which addresses your question. That opinion states that a dispatcher may, if appointed, also serve as a deputy clerk for the purpose of taking oaths on tickets and affidavits. This would apply to both justice court and municipal court.

\*1 If this office can be of any further assistance, please let us know.

Very truly yours,

\*1 Mike Moore  
\*1 Attorney General  
\*1 By: David K. Scott  
\*1 Special Assistant Attorney General

Note

TO RETRIEVE THE FULL TEXT OF THE ATTACHED OPINION(S) SET FORTH AT THIS POINT, ENTER THE FOLLOWING FIND:

FI 1984 WL 81418

1996 WL 508595 (Miss.A.G.)

END OF DOCUMENT

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WestlawNext **Mississippi Attorney General Opinions***Honorable Benjamin E. Griffith*Office of the Attorney General  
January 27, 1986

1986 WL 81418 (Miss.A.G.)

Office of the Attorney General

State of Mississippi  
\*1 January 27, 1986**\*1 Deputy Sheriff Serving in the Capacity as Justice Court Clerk Deputy**

\*1 Honorable Benjamin E. Griffith

\*1 Attorney

\*1 Board of Supervisors

\*1 Post Office Drawer 1010

\*1 Cleveland, Mississippi 38732

Dear Mr. Griffith:

\*1 Attorney General Edwin Lloyd Pittman has received your letter and has assigned it to the undersigned for research and reply. In your letter you state:

\*1 "On behalf of the Bolivar County Board of Supervisors, I respectfully request an opinion from your office responsive to the following question, which I have already discussed with Special Assistant Attorney General Ryan Hood.

\*1 "Does the Board of Supervisors have the legal authority to appoint a dispatcher <sup>and/or</sup> Deputy Sheriff in the Sheriff's Office to serve as Deputy Clerk of the Justice Court of the county for the specific purpose of receiving and receipting monies, acknowledging affidavits, issuing warrants in criminal cases upon direction by a justice court judge in the county and discharging all other duties and responsibilities as are vested in Deputy Justice Court Clerks pursuant to Mississippi Code, Annotated, § 9-11-27 (Supp. 1985), with such Deputy Justice Court Clerk serving only during that period of time which is not included in the regular business hours of the justice court system, namely, between 5 p.m. and 8 a.m. on weekdays, and from 5 p.m. Friday until 8 a.m. on Monday and weekends.

\*1 "No additional salary would be paid to the dispatcher <sup>and/or</sup> deputy sheriff serving as such deputy justice court clerk, the primary function of which would be to handle and conduct at nighttime and on weekends those ministerial actions that would otherwise be performed by the justice court clerk during normal business hours.

\*1 "My research and analysis of the relevant statutory and constitutional authorities has included Mississippi Code, Annotated, §§ 9-11-18, 9-11-21 and 9-11-27 (Supp. 1985), and Mississippi Constitution, Article 1, Section 1 (1890), those authorities indicating that the Board 'may appoint such other employees for the justice court of the county as it deems necessary, including a person or persons to serve as deputy clerk or deputy clerks,' with specific statutory responsibilities for the clerk or deputy clerks to utilize uniform receipts on forms prepared by the Attorney General's Office and to utilize the justice court clerk clearing account for deposits of certain monies deposited with the justice court. It would also appear that in view of the solely ministerial functions which we anticipate would be performed by such a 'nighttime and weekend' deputy justice court clerk, there would be no constitutional prohibition so long as the dispatcher <sup>and/or</sup> deputy sheriff also serving as such deputy justice court clerk did not receive an additional salary for the same hours work."

\*1 In response to your letter, this office is of the opinion that your legal analysis and conclusion is correct in that a county board of supervisors, in their discretion, may employ an individual serving as a deputy sheriff or radio dispatcher as a part-time justice court clerk deputy within the limitations put forth in your letter.

Very truly yours,

\*2 Edwin Lloyd Pittman

\*2 Attorney General

1986 WL 81418 (Miss.A.G.)

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