

Opinion No. 39-3289

September 27, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. V. A. Doggett, District Attorney, Raton, New Mexico.

{*110} I am in receipt of your letter of September 26th wherein you state that you wrote to this office sometime ago requesting an opinion as to your power to appoint an assistant district attorney in Harding County. Apparently, through some mistake this letter was not received, or else it was misplaced. I will at this time answer your question to the best of my ability.

Concerning your district, Section 39-201 of the New Mexico Statutes, Annotated, Compilation of 1929, as amended by Section 1 of Chapter 148, Session Laws of 1937, and as amended by Section 1 of Chapter 70, Session Laws of 1939, reads as follows:

"In the eighth judicial district, Three Thousand (\$ 3,000.00) Dollars salary per annum with Four Thousand (\$ 4,000.00) Dollars for two or more assistants two of whom shall reside and have their respective offices each in a separate county of the eighth judicial district other than the county in which the District Attorney shall himself reside and have his office and Twelve Hundred (\$ 1200.00) Dollars for stenographer;"

From this provision I gather that you can name as many assistants as you may wish. Two of the assistants, however, shall reside and have their respective offices each in a separate county other than the county in which you reside and have your office. It is my understanding that you have complied with this provision already since you have an assistant in Taos County and another assistant in Union County.

As to the other assistants that you have appointed or may appoint, they may reside and have their offices in any one of the counties of your district. Thus, you may appoint an assistant or assistants in Harding County, if you wish.

Trusting that the foregoing sufficiently answers your question, I am,