

August 14, 2006
OPINION No. 06-0162

15 – COURTS

Honorable Michael A. Couvillon
Vermilion Parish
Sheriff & Ex-Officio Tax Collector
Post Office Box 307
Abbeville, Louisiana 70511-0307

56 – JUDGES

107 – SHERIFFS – Constables & Marshals, including
Ex-Officio Tax Collectors, rights, powers & duties, in general

La.C.C.P. Art. 333

It is the opinion of this office that the law imposes the duty to
prepare commitment sheets on judges, not court criers.

Dear Sheriff Couvillon:

Your request for an Attorney General's opinion has been referred to me for
research and reply. Specifically, you ask the following questions:

- (1) Does the law require a court crier, assigned to
criminal court, to prepare a document¹ which
reflects the fine, sentence and court costs for
any defendant who pleads guilty or is convicted
of a crime?
- (2) If the law does not place this responsibility on
the court crier, on whom does the law impose
this duty?

The answer to your first question is in the negative. A court crier's duties are set
forth in La.C.C.P. Art. 333 as follows:

The crier of a court shall attend all sessions thereof;
under the direction of the judge shall open and close
court at each session, and maintain order and
decorum in the courtroom; and shall perform such
other duties as are assigned to him by the law, the
court, or the sheriff.

The crier of a trial court, when requested to do so,
shall call all witnesses in the building whose testimony
is desired by the court or by a party.

¹ Those expert in criminal matters refer to such document as a "commitment sheet."

When a court has no crier, and there is no deputy sheriff available for such duty, the sheriff shall perform the duties of crier.

Although C.C.P. Art. 333 provides that a court crier "shall perform such other duties as are assigned to him by law, the judge or the sheriff," this language refers to civil, not criminal, matters since the Legislature chose to place this particular article within the code pertaining to *civil* procedure. Similarly, no language is contained whatsoever within the Code of Criminal Procedure that places the burden of preparing commitment sheets on a court crier. Clearly, the law does not obligate a court crier, assigned to criminal courts, to prepare a commitment sheet.

If the court crier is not responsible for the preparation of this document, then upon whom does the law impose this duty? Like the captain of a ship, or a pilot of a plane, the judge controls his courtroom. Against this backdrop, the preparation of commitment sheets has developed from long-standing practice and custom. Such practice and custom has been given the imprimatur of the Courts. The procedure varies slightly from parish to parish, but typically follows this pattern: The court reporter will note, on the record of the proceeding, the sentence, fine and costs of a defendant who either pleads guilty or is convicted of a crime. After the court reporter has noted this information on the record, the judge's minute clerk or secretary will prepare a minute entry and the commitment sheet, which will contain the court's sentence, fine and court costs for that particular defendant. After the commitment sheet has been prepared, it will be sent to the sheriff for further processing and collection. No other activity is required of the judge or his staff by this procedure.

In summary, it is the opinion of this office that the law imposes the duty to prepare the commitment sheet on the judge, not the court crier.

I hope this opinion adequately responds to your request. If I can be of further assistance to you in any way, please do not hesitate to contact me.

Very truly yours,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

By: _____
Christopher D. Matchett
Assistant Attorney General

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CHRISTOPHER D. MATCHETT
Assistant Attorney General