

OPINION NO. 70-059**Syllabus:**

Village solicitors are not excluded from representing defendants in criminal cases which do not originate in their jurisdiction.

To: William D. Kennedy, Lawrence County Pros. Atty., Ironton, Ohio
By: Paul W. Brown, Attorney General, May 15, 1970

I have before me your request for my opinion which asks the following question:

"May City or Village Solicitors represent defendants in criminal cases which the State of Ohio is the plaintiff which case did not originate in their village or are they excluded from so doing by the prior opinion of the Attorney General 66-159 concerning the City Solicitors?"

Opinion No. 66-159, Opinions of the Attorney General for 1966, deals with the duties of a city solicitor. It is based upon the specific statutory mandates placed by the legislature upon a city solicitor. A city solicitor is defined by the provisions of Section 733.49, Revised Code. He is a duly elected official. By

contrast, a village solicitor as defined by the provisions of Section 733.48, Revised Code, is appointed by the legislative body of the village on an as need basis.

Since November 6, 1959, the effective date of Section 1907.031, Revised Code, the jurisdiction of mayors to hear and determine prosecutions for felonies terminated within the county court district. Thereafter, mayors within such districts retained jurisdiction only in criminal cases involving violations of ordinances of their respective municipal corporations, and in all criminal causes involving moving traffic violations occurring on state highways within their respective municipal corporations to be exercised concurrently with the county court. The village solicitor, therefore, has no duties wherein he should be required to act in the capacity of representing the State of Ohio in a criminal action.

Section 1901.34, Revised Code, which serves as the basis for Opinion No. 66-159, supra, deals with the city solicitors' duties in prosecuting cases in municipal courts which have like jurisdiction in their respective municipalities and districts, as do county courts. Village solicitors, having no such duties, are bound by no such limitations.

It is accordingly my opinion and you are hereby advised that village solicitors are not excluded from representing defendants in criminal cases which do not originate in their jurisdiction.