

**MOTOR VEHICLES:** Criminal prosecution must be instituted within the jurisdiction in which the crime occurred. A person may be prosecuted for making false answers in an affidavit.

January 19, 1951

Honorable Robert P. C. Wilson, III  
Prosecuting Attorney  
Platte County  
Platte City, Missouri



Dear Sir:

Your recent letter to the Attorney General has been assigned to me to answer.

You thus state your opinion request:

"Respectfully request the opinion of your department on the following problem:

A resident of Platte County, Missouri purchased a new car from a dealer in Leavenworth, Kansas, and gave back chattel mortgage to the dealer for unpaid portion of the purchase price. Purchaser received Bill of Sale showing on its face the lien of the dealer. Chattel mortgage was duly filed in Platte County. Purchaser sent Bill of Sale and Application for Missouri Certificate of Title to Commissioner of Motor Vehicles, together with required fee. The Application contained false statement by applicant that vehicle was subject to no lien. The Commissioner of Motor Vehicles issued Missouri Certificate of Title showing the vehicle clear of liens. Purchaser then went to Pennsylvania with the vehicle, and later sold same to an innocent purchaser, and assigned the Missouri Certificate of Title. It is indicated that the Kansas dealer knew mortgagor was in Pennsylvania with the car, since one or more payments was received by him from the mortgagor in Pennsylvania. I have advised the dealer and the finance company that the logical place to seek prosecution is the county in Pennsylvania where the sale took place. However, they are insisting on some sort of prosecution here, even if only for the false statement made in Application for Missouri Certificate of Title.

"I would appreciate your opinion on the above, and recommendations."

Mr. Wilson

Your request raises two questions. The first is whether the person in question in this instance could be prosecuted in Platte County, Missouri, for the sale of the motor vehicle in Pennsylvania. It seems obvious from your statement of facts that the crime of sale of mortgaged property occurred in the state of Pennsylvania. It is well established by the law that prosecution for a crime must be instituted in the jurisdiction in which the crime was committed which, in this instance, was clearly in Pennsylvania.

In this regard we direct attention to a general statement of the law on the matter of jurisdiction as found in 16 Corp. Jur. p. 162, Sec. 195, which states:

"Since a state has no jurisdiction to punish crimes committed beyond its limits, the courts of one state have no jurisdiction to enforce the criminal laws of another state or to punish crimes committed in another state."

We would further direct attention to the case of State vs. Gritzner, 134 Mo. 512, 1.c. 527:

"\*\*\*And it has been ruled in this state, as well as elsewhere, that a person cannot be punished in this state where the offense was actually consummated in another state, even though some act constituting a part of the offense, or making the offense possible, was committed within this state. State v. Shaeffer, 89 Mo. 271; Works, Courts & Jurisdict, 470, and cases cited."

Therefore, prosecution for this sale must be instituted in the county in Pennsylvania in which the sale took place.

Your second question is whether the person involved herein can be prosecuted in Platte County, Missouri, for making a false answer in his application for title to the motor vehicle in question. Section 557.070, R.S. Mo., 1949, states:

"Every person who shall willfully, corruptly and falsely, before any officer authorized to administer oaths, under oath or affirmation, voluntarily make any false certificate, affidavit or statement of any nature, for any purpose, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by imprisonment in the county jail not less than six months, or by fine not less than five hundred dollars. (4276)"

Mr. Wilson

CONCLUSION

Criminal prosecution must be instituted within the jurisdiction in which the crime occurred.

A person may be prosecuted for making false answers in an affidavit.

Respectfully submitted,

HUGH P. WILLIAMSON  
Assistant Attorney General

APPROVED:

  
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J. E. TAYLOR  
Attorney General

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