

April 19, 1973

OPINION LETTER NO. 150  
Answer by letter-C.A. Blackmar

Honorable Clifford B. Mayberry  
Prosecuting Attorney  
Adair County  
213 West Washington  
Kirksville, Missouri 63501



Dear Mr. Mayberry:

This is in response to your request for an opinion on the following question:

"Is a Uniform Traffic Ticket as provided for in Supreme Court Rule 37.1162 sufficient to charge a non-traffic misdemeanor, when properly signed by any law enforcement officer including Sheriffs, members of the Missouri Highway Patrol, and officers of the Police Department of a city of the third class, as the information of the prosecutor."

In your opinion request you go on to state:

"Members of the Missouri Highway Patrol and others have occasion in the performance of their assigned duties to come across non-traffic violations. For example, the officer in the investigation of a possible DWI may find minors in possession of alcoholic beverages, the officer makes his affidavit on the Uniform Traffic Ticket; the prosecutor signs same making it his information."

Supreme Court Rule 24.01 provides:

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"The . . . information shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney, . . . It need not contain a formal commencement, a formal conclusion or any other matter not necessary to such statement. . . ."

Supreme Court Rule 37.46 provides for the use of the "Uniform Traffic Ticket" in traffic cases. A portion of the Uniform Traffic Ticket constitutes the information in such cases. While no provision of the Supreme Court Rules authorizes the use of the Uniform Traffic Ticket with respect to nontraffic offenses, if a Uniform Traffic Ticket were filled out so as to comply with Supreme Court Rule 24.01, it would serve as a valid information to charge a nontraffic misdemeanor.

One caveat should be added to this opinion: By holding that the Uniform Traffic Ticket properly filled out could serve as an information to charge a nontraffic misdemeanor, this office expresses no view as to the desirability of such practice. We enclose a copy of Opinion No. 27, 1964, wherein the use of the Uniform Traffic Ticket as an information is discussed.

Yours very truly,

JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 27  
6-24-64, Gepford