

No. 379

**CRIMINAL LAW—JUDGMENT—FINES—  
SENTENCE, Suspension of****Held: Sentence may not be suspended after commitment of prisoner.**

March 21, 1942.

Mr. Norman R. Barncord  
County Attorney  
Wheatland County  
Harlowton, Montana

Dear Mr. Barncord:

You ask whether a sentence of fine and imprisonment for a misdemeanor may be suspended by the magistrate, after a portion of the sentence has been served, the fine remaining unpaid. You point out extenuating circumstances exist in the particular case prompting your inquiry.

If the power of suspension ever existed at all in this particular instance, it ceased upon commitment of the prisoner. (State ex rel. Bottomly v. District Court, 73 Mont. 541, 237 Pac. 525.)

It is my opinion, therefore, the sentence may not be suspended after commitment of a prisoner in any case.

Sincerely yours,

JOHN W. BONNER  
Attorney General