



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

January 9, 1975

Opinion No. 75- 9

Ms. Martha Kellogg
Probate Judge
Phillips County
Phillipsburg, Kansas 67061

Dear Judge Kellogg:

You inquire whether fees of an attorney appointed by the court to represent an indigent defendant in a criminal proceeding in county court may be assessed as costs against the defendant and collected as provided in K.S.A. 22-3801. In our opinion, there is no authority whatever for taxing attorney's fees as court costs under this statute. K.S.A. 1973 Supp. 28-172a, although applicable to district courts, suggests the items properly taxable as costs. Attorney's fees are not among them. Similarly, no other statute dealing with court costs which has come to our attention authorizes inclusion of attorney's fees as court costs.

If further questions arise concerning this matter, please do not hesitate to call upon us.

Yours very truly,

VERN MILLER
Attorney General

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