

Opinion No. 41-3952

November 22, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. John B. McManus Superintendent The Penitentiary of New Mexico Santa Fe, New Mexico

{*128} This will acknowledge receipt of your letter dated November 20, 1941, in which you request an opinion of this office relative to the following:

You state:

"Under date of November 19, 1941, Alfredo Armijo, was received at this institution as Register No. 10695, sentenced from Bernalillo County for Contributing to the Delinquency of a certain juvenile, to serve a term of 5 to 5 years, date of sentence November 17, 1941.

"A doctor's report which accompanied commitment paper shows that he is approximately 35 years old.

"Commitment paper bears the seal of the District Court of Bernalillo County and he was convicted in the Juvenile Court."

Your attention is directed to Chapter 134, Session Laws of 1941. Said Chapter 134 amends Section 35-4110 of the 1929 Compilation, New Mexico Statutes Annotated, to the effect that the district court, sitting as a juvenile court, may sentence any person found guilty of contributing to delinquency of a minor under the age of eighteen years to imprisonment in the state penitentiary for not less than one year nor more than five years.

My opinion is that the above sentence set forth in your letter is regular and legal in every respect.

Trusting that the foregoing sufficiently answers your inquiry, I am