



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

December 19, 1995

The Honorable Lloyd B. Ward
Coroner, Barnwell County
Post Office 207
Williston, South Carolina 29853-0207

Re: Informal Opinion

Dear Coroner Ward:

You have asked whether you have a legal responsibility as coroner "to honor a request for a Coroner's Inquest if [you] . . . do not feel one is needed."

I am enclosing a number of opinions of this Office which conclude that state statutes do not require a coroner to hold an inquest in every situation. S. C. Code Ann. Sec. 17-7-20 provides that

[w]henver a body is found dead and an investigation or inquest is deemed advisable the coroner . . . shall go to the body and examine the witnesses most likely to be able to explain the cause of death, taken their testimony in writing and decide for himself whether there ought to be a trial or whether blame probably attaches to any living person for the death.

Pursuant to this provision, we have concluded that the coroner may hold an inquest, but, "if in the coroner's judgment there is 'no apparent or probable blame' against an individual as to death, no inquest is held." Op. Atty. Gen., No. 94-2 (January 5, 1994). Accordingly, we have determined that the decision as to whether an inquest is held is a matter within the sound discretion of the coroner based upon the relevant facts and circumstances.

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This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General

RDC/ph

Enclosures