

1983 WL 181726 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 24, 1983

*1 John Stephen Hooks, Jr.
Special Assistant for Legal Affairs
Office of the Governor
Post Office Box 11450
Columbia, South Carolina 29211

Dear Mr. Hooks:

I am in receipt of your recent letter. You have stated that on January 4, 1983, the South Carolina Supreme Court affirmed the Order of the Circuit Court holding Jack Blanton in contempt of court for attempting to influence the Horry County Grand Jury. You have informed me that Mr. Blanton holds the Office of Magistrate in Horry County and is currently suspended from the performance of his duties by Order of the Chief Justice. You have inquired if this conviction would constitute conviction of a crime of moral turpitude requiring the Governor to declare that Office vacant.

The crime of contempt of court may or may not be a crime of moral turpitude. (October 16, 1979 Opinion of Mr. McLeod to Governor Riley.) However, in making a determination on whether or not an individual convicted for contempt of court was convicted of a crime of moral turpitude, it is necessary to look at the specific grounds for the conviction, i.e., attempted grand jury tampering. Cf. [In The Matter of Holman](#), 277 S.C. 293, 286 S.E. 2d 148 (1982).

In 1940 the South Carolina Supreme Court in the case of [Smith v. Smith](#), 194 S.C. 247, 9 S.E. 2d 584 (1940), defined moral turpitude as:

. . . an act of baseness, vileness, or depravity in the private and social duties that a man owes to his fellow man or to society in general, contrary to the accepted and customary rule of right and duty between man and man . . .

See also [State v. Horton](#), 271 S.C. 413, 238 S.E. 2d 263 (1978); [State v. Lilly](#), Slip Op. No. 21840 (January 4, 1983). A decision on if a specific offense involves moral turpitude is not made by deciding if the offense is a felony or a misdemeanor or even a crime, as an act may involve moral turpitude even if not a crime. 58 C.J.S. [Moral](#) p. 1203. The decision is based on if the offense is ‘. . . immoral in itself, without reference to any legal prohibition.’ 21 AM. JUR. 2d [Criminal Law](#) § 24.

It has been the prior opinion of this Office that jury tampering would be a crime of moral turpitude. (March 2, 1982 Opinion of Treva G. Ashworth to Governor Riley.) It is the opinion of this Office that attempted grand jury tampering is also a crime of moral turpitude. Therefore, a person convicted of contempt of court due to attempted grand jury tampering would have been convicted of a crime of moral turpitude.

Sincerely,

T. Travis Medlock
Attorney General

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