

1984 WL 249870 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 26, 1984

*1 The Honorable Stephen P. Lanford
Coroner of Spartanburg County
Post Office Box 5666
Spartanburg, South Carolina 29304

Dear Mr. Lanford:

In your letter of April 3, 1984, you inquired 'who has charge of physical evidence found at the scene of a crime such as suicide notes, bullets, etc.?' This Office has responded to similar inquiries in the past. I am enclosing an October 7, 1976 Attorney General's Opinion authored by J. C. Coleman, addressing a similar question. That Opinion correctly stated that, '[t]here is nothing in the law of this State that gives to either coroners or police officers the authority to direct or supervise the other in such an investigation.' The Opinion concluded that 'both [coroners and law enforcement officers] have full authority to investigate, but not to the exclusion of the other.' I am also enclosing a copy of an Attorney General's Opinion of October 31, 1973, authored by Mr. McLeod. That Opinion stated that, '[t]here is no precise answer as to which officials [law enforcement officers or coroners] have primary jurisdiction but the circumstances in each case must determine the priority of investigation. The basis answer to the question can only be that law enforcement officers and coroners must work together in cooperation.' Finally, I am enclosing an Opinion by this Office dated February 9, 1981, which discusses certain issues involving the relationship between the coroner and the sheriff.

You have also asked our opinion regarding, 'what should be done if someone who should not have the evidence claims it?' No clear-cut, unequivocal response to this question is possible. Any action would depend on the particular facts and circumstances involved. Such factors as the willfulness of the taking, the nature of the property removed, and the question of who properly owned the material would affect this decision. You are reminded that pursuant to Section 17-7-170, you have the right to 'issue warrants, summon witnesses and examine before the jury any person present, whether summoned or not, concerning the death.' Under Section 17-7-190, you have contempt power '[w]hensoever any person shall willfully disturb or impede the proceedings of a jury of inquest while inquiring into the cause of any death or shall offer any contempt to the person or authority of the coroner while so engaged . . .'. Under those circumstances, the coroner may commit such person 'to county jail time not to exceed twenty-four hours.'

If there is any further information I can provide you, please feel free to contact me at your convenience.

Yours truly,

Stephen S. Seeling
Assistant Attorney General

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