

1981 WL 157991 (S.C.A.G.)

Office of the Attorney General

State of South Carolina  
September 29, 1981

\*1 Thomas M. Boulware, Esquire  
Attorney at Law  
Post Office Box 248  
Barnwell, South Carolina 29612

Dear Mr. Boulware:

In response to your request for an opinion concerning the status of the municipal court under the unified judicial system, the South Carolina Supreme Court has determined that it is a part of the unified judicial system. See, [State, ex rel. McLeod v. Court of Probate of Collection County, et al.](#), 266 S.C. 279, 223 S.E.2d 166 (1975) (look for case entitled [Municipal Court of City of North Charleston](#); see also, [§ 14-25-5\(a\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976 (Cum.Supp.)). As to your inquiry regarding whether or not a criminal defendant has a right to an attorney in municipal court, I would note that Rule 1 of the Defense of Indigents Act declares that ‘in cases involving criminal charges within the jurisdiction of . . . , municipal courts, . . . , if a prison sentence is likely to be imposed following any conviction,’ the presiding judge must inform the accused of his right to counsel, etc. See, Defense of Indigents Act, Rule 1, Vol. 22, [CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended; [§§ 17-3-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. I am aware of no State funds that are available to pay court-appointed attorneys in municipal court.

Enclosed herewith is a copy of an earlier opinion from this Office which discusses the question which you have raised.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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