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HENRY McMASTER
ATTORNEY GENERAL

March 22, 2006

The Honorable James T. Coursey
Coroner, County of Greenwood
P. O. Box 127
Greenwood, South Carolina 29648

Dear Coroner Coursey:

In a letter to this office you referenced a situation where a homicide was committed in Spartanburg County but the body was then transported to Greenwood County and dumped. Regarding such, you have raised several questions regarding your duties as coroner in Greenwood County. You asked:

1. At the time that the perpetrator called his friends to his home and showed them the body, was it then considered to be found inasmuch as the friends had a legal obligation to report that information to the Spartanburg authorities?
2. When a body is found in one county and at the time of the discovery it is already known where the death occurred, does the jurisdiction lie with the authorities of the county of death?
3. When the coroner of one county knows at the outset of the investigation that a death by violence occurred in another county, does that coroner have jurisdiction to subpoena witnesses, empanel a jury, and hold an inquest or would logically the power to compel action fall to the coroner of the county where the violence and death occurred?

If reviewing your questions, several State statutes are relevant. As to counties where there are medical examiners and/or coroners, S.C. Code Ann. § 17-5-580 states

It is unlawful for any person to move or authorize removal of a body from the place where the body is found until the investigation is completed and the removal is authorized by the coroner, deputy coroner, medical examiner, or deputy medical examiner in charge. (emphasis added).

S.C. Code Ann. § 17-7-10 states that

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The coroner of the county in which a body is found dead or the solicitor of the judicial circuit in which the county lies shall order an autopsy or post-mortem examination to be conducted to ascertain the cause of death.... (emphasis added).

S.C. Code Ann. § 17-7-20 states that

Whenever 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.... (emphasis added).

S.C. Code Ann. § 17-7-70 states

...every coroner, within the county for which he has been elected or appointed, may take inquest of casual or violent deaths when the dead body is lying within his county. *Provided, however,* if a person is injured in one county but removed to another county for medical purposes, the coroner of the county where the injury occurred shall have jurisdiction.

Such statutes are consistent in stating that the coroner where a body is found has jurisdiction. Section 17-7-70 allows the coroner of the county where the injury occurs, rather than the county where the body is found, to have jurisdiction only in circumstances when an injured body is taken to another county for medical purposes.

Several prior opinions of this office are also relevant to your inquiries. An opinion dated September 3, 1970 dealt with the question of who issues a death certificate if an individual dies as a result of injuries caused by unlawful or suspicious means in a county other than where the injury was inflicted. The opinion, citing the provision now codified as Section 17-7-70, stated that "...the coroner of the county in which the body is lying is the proper person to issue the certificate of death when the death results from unlawful or suspicious injuries."

An opinion dated June 2, 1967 dealt with the question of the jurisdiction of coroners to hold an inquest when a mortal blow is received in one county and the victim dies in another county. The opinion stated that

Under the early common law, the coroner in whose jurisdiction the mortal blow was delivered was the only official authorized to hold an inquest. This rule was later changed in England by statute so that exclusive jurisdiction was given to the coroner in whose territorial jurisdiction the dead body was found, irrespective of where the blow was delivered or where the death occurred...No mention is extent anywhere in our state code of laws relating to the authority of a coroner or other official to order or conduct an inquest in the county in which the mortal blow was delivered, if the dead body is found in another county. In view of the foregoing authorities, it is the

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opinion of this office that an inquest over a dead body may be held only in the county in which the dead body is found.

An opinion dated June 27, 1968 similarly dealt with the question of the jurisdiction of a coroner to hold an inquest when a person is injured in one county and dies in another county. The opinion stated that "...it is our opinion that the coroner where the dead body is found has jurisdiction to hold the inquest."

As to the circumstances of your first question where the individual who committed the homicide called his friends to his home and showed them the body, it is my opinion that such "showing" would not constitute circumstances of the body being "found" for purposes of determining which coroner has jurisdiction. While there may be some legal obligation on the part of the friends to report that information to Spartanburg authorities so as to avoid possible criminal liability, I do not consider their involvement sufficient for a legal determination that the body has been "found" for purposes of a coroner's jurisdiction.

You next questioned whether when a body is found in one county and at the time of the discovery it is already known where the death occurred, do the authorities of the county where the death occurred have jurisdiction. While law enforcement of the county where the death occurred would have responsibilities regarding the investigation and prosecution of the murderer, consistent with the statutes referenced above and the prior opinions of this office, in my opinion, the coroner of the county where the body is found would have jurisdiction.

As to your last question of which coroner would have jurisdiction to subpoena witnesses, empanel a jury and hold an inquest when a death is the result of violence in a county other than where the body is found and the coroner of the county where the body is found knows of the violent act in another county, again, consistent with the previously referenced statutes and opinions, in my opinion, the coroner of the county where the body is found would have jurisdiction.

If there are any questions, please advise.

Sincerely,


Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:


Robert D. Cook
Assistant Deputy Attorney General