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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

April 26, 1995

The Honorable I. A. Smoak, III  
Walterboro Municipal Judge  
P. O. Box 709  
Walterboro, South Carolina 29488

*Re: Informal Opinion*

Dear Judge Smoak:

Your letter to Attorney General Condon has been referred to me for reply. You have asked whether conditioning the defendant's right to a jury trial upon the posting of a cash bond might have a "chilling effect" upon the defendant's right to a jury trial. See, Art. I, Sec. 14 of the South Carolina Constitution (right to a jury trial is "inviolable") and S.C. Code Ann. Sec. 14-25-125 (right to a jury trial requested prior to trial).

Enclosed are two prior opinions of this Office which answer this question. An opinion, dated June 23, 1982, concluded that requiring all defendants who request a jury trial to post either a cash or surety bond could have "a chilling effect on a person's right to a jury trial." This opinion was reaffirmed in Op. Atty. Gen. No. 89-56 (May 8, 1989). These opinions remain the opinion of this Office.

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