

Reg. 4864



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

March 28, 1995

Detective Jim Davis  
Charleston Police Department  
180 Lockwood Boulevard  
Charleston, South Carolina 29403

Re: Informal Opinion

Dear Detective Davis:

You have asked me to advise you as to what possible charges could be brought for a stolen automobile.

In the past, this Office has advised that the conversion of an automobile is "encompassed by the Common Law offense of larceny which in the case of an automobile would, in this State, be grand larceny." Op. Atty. Gen., August 4, 1971. A copy of this opinion letter is enclosed. Our Court has also held that theft of an automobile constitutes grand larceny. See, e.g., State v. Jefferies, 308 S.C. 414, 418 S.E.2d 339 (Ct. App. 1992) [conviction for grand larceny for automobile theft, grand larceny]; Kerrigan v. State, 304 S.C. 561, 406 S.E.2d 160 (1991) [offense of use of vehicle without permission is lesser included offense of grand larceny of automobile].

Grand larceny as well as petit larceny, are proscribed by S.C. Code Ann. Section 16-13-30 (1976). Grand larceny is now defined as larceny of "goods, chattels, instruments, or other personalty valued in excess of one thousand dollars ...". It has been stated that

[t]he "value of an item, for purposes of the distinction between grand and petit larceny, means fair market value, not the price at which the owner would be willing to sell. ... For used items the fair market value is said to be the reasonable selling price

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of a vehicle without permission is a misdemeanor which, when unaccompanied by the commission or intent to commit a crime other than taking the vehicle, is punishable by a fine of not more than five hundred dollars or imprisonment of not more than one year, or both. [emphasis added]

406 S.E. 2d at 161.

Thus, the two offenses, larceny and taking a vehicle without permission would certainly be available, depending upon the facts. By stating these two offenses, I do not suggest to exclude any others depending upon the complete facts and circumstances.

This letter is an informal opinion only. It has been written by a designated Assistant 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.

I trust this information will be helpful to you. With kindest regards, I remain

Very truly yours,



Robert D. Cook  
Assistant Attorney General

RDC/an  
Enclosure