

# The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3970  
FACSIMILE: 803-253-6283

March 12, 1991

The Honorable Wade C. Arnette  
Coroner, Berkeley County  
300 California Avenue  
Moncks Corner, South Carolina 29461

Dear Coroner Arnette:

In a letter to this Office you questioned the proper procedure for selecting jurors for inquests. You particularly referenced two provisions, Sections 17-7-90 and 17-7-100 of the Code. The former provision states:

All persons subject to jury duty in the circuit courts shall be liable to serve as jurors on an inquest on a dead body found within their county.

Section 17-7-100 states:

When the coroner upon the required preliminary examination shall determine that a formal inquest shall be held he shall make out his warrant directed to all or any of the constables of his county or to the sheriff of his county, requiring them or any of them forthwith to summon a jury of fourteen men of the county within a radius of ten miles to appear before him at the time and place specified in the warrant.

You indicated that it is your opinion that Section 17-7-100 is outdated and inconsistent with the procedure for selecting jurors for circuit court. Also, it is your contention that Section 17-7-90 would serve as the basis for a coroner's selection of a jury.

A prior opinion of this Office dated December 18, 1978 indicated that Section 17-7-90 should be construed in association with statutory provisions, such as Section 14-7-820 of the Code, which provide for the disqualification of certain individuals from jury duty. The opinion indicated that "... inasmuch as certain county officers and county employees are not permitted to serve as jurors in civil and criminal cases, ... these individuals would not be subject to jury duty for inquests." Therefore, consistent with that

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opinion, Section 17-7-90 should not be construed as providing the procedural basis for selection of a coroner's jury but, instead, such statute serves as a basis for determining the eligibility of certain individuals to serve on a coroner's jury.

Another opinion of this Office dated October 9, 1978 indicated that in selecting a coroner's jury there would have to be compliance with the requirements of Section 17-7-100, such as the ten mile requirement. The opinion stated:

The only recommendations this Office can make as to the selection of jurors for coroners' inquests are that perhaps these jurors could be selected from the regular jury list if such were to be provided to ... (the coroner) ... However those drawn by such method would have to meet the ten mile requirement referenced by Section 17-7-100.

Additional support for reference to Section 17-7-100 in selecting a coroner's jury are the provisions of Section 17-7-110 of the Code. Such statute states in part

The sheriff, deputy sheriff or magistrate's constable who shall be designated and directed to summon a jury of inquest as provided in Section 17-7-100.... (emphasis added)

In summary, in summoning a jury for a coroner's inquest reference should be made to the provisions of Section 17-7-100. Section 17-7-90 provides for the means of determining the qualification of individuals to serve on a coroner's jury. Of course, legislative clarification or amendment could be sought if a different procedure is desired.

With kind regards, I am

Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
Executive Assistant for Opinions