

The State of South Carolina



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The Honorable Allan T. Holmes
Chief Judge Summary Courts
Post Office Box 489
North, South Carolina 29112

Dear Judge Holmes:

In a letter to this Office you questioned whether in a situation where a jury is drawn for a trial in a magistrate's court and the date set for trial is changed, is it permissible to use the same jurors drawn for the original date?

Sections 22-2-80 et seq. of the Code set forth the procedure for selecting jurors in a magistrate's court. No provision expressly prohibits using the same jurors originally selected for a trial when the trial is postponed. Therefore, it appears that the jurors drawn for a trial which is not held on the original date may be used for the trial as rescheduled. Of course, at such time the individual jurors could be examined for any possible bias or prejudice so as to assure each juror's impartiality.

If there is anything further, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

CHR:sds

REVIEWED AND APPROVED BY:

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