

The State of South Carolina



Office of the Attorney General

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April 14, 1987

Motte L. Talley, Staff Attorney  
South Carolina Court Administration  
P. O. Box 50447  
Columbia, South Carolina 29250

Dear Motte:

In a letter to this Office you referenced that pursuant to Section 14-7-250 of the Code the name of an individual who serves as a juror must be set aside "... until the first revision of the jury list provided for after they have been so drawn, to the end that no person shall serve as a juror more than once in two calendar years." You have questioned the method for calculating "two calendar years."

In Finch v. Fitzpatrick, 254 So.2d 203 (Fla. 1971), the Florida Supreme Court determined that the term "calendar year" meant the year from January 1st to December 31st inclusive and should not be construed as constituting a period of twelve months commencing at any fixed or designated month. Similarly, in State ex rel. Gareau v. Stillman, 247 N.E.2d 461 (Ohio, 1969), the Ohio Supreme Court concluded that the term "calendar year" meant the period of time from January 1 to December 31. See also: Allentown Wholesale Grocery Co. v. Comm., 291 A.2d 336 (Pa., 1955); Hawksley v. New Hampshire Interscholastic Athletic Assn. Inc., 285 A.2d 797 (N. H., 1971); Habecker v. Nationwide Insurance Co., 445 A.2d 1222 (Pa., 1982); Black's Law Dictionary, 5th Ed. (1979); Annot., 5 A.L.R. 3d 584, 590 (1966).

Referencing the above, in the opinion of this Office, the term "calendar year" as used in Section 14-7-250 should be construed as that period from January 1st to December 31st inclusive. Therefore, as cited by you as an example, an individual

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who served as a juror in September, 1986 would be eligible to serve again in January, 1988.


If there are any questions, please advise.

Sincerely,

  
Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Executive Assistant for Opinions

cc: Louis L. Rosen, Director  
South Carolina Court Administration