

1981 WL 158132 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1981

\*1 Dr. Zack Seymour  
P.O. Box 666  
Laurens, S.C. 29360

Dear Dr. Seymour:

In a phone call to this office you asked whether a coroner's jury is required to view the body of one over which an inquest is being held. As to such question, I have not found any statutes specifically requiring such a viewing of a body. However, [Sections 17-7-120 and 17-7-140, Code of Laws of South Carolina](#), 1976, which provide the form of the warrant used to summon a jury for an inquest and the oath required of jurors, do reference such viewing of a body. The forms of the coroner's jury's verdict, as provided by [Section 17-7-240, Code of Laws of South Carolina](#), 1976, also reference such a viewing.

It is apparent, however, that circumstances may prevent such a viewing in all instances. In such situations it appears that an inquest could be held without the viewing of a body. This would be particularly true where competent testimony could be provided as to the cause of death. However, the statutes cited above do reference the viewing of a body and therefore, such a viewing is entirely proper.

You also asked whether a magistrate is authorized to grant a preliminary hearing to an accused who was committed to jail on a murder warrant issued by a coroner following an inquest. As to such, [Section 22-5-330, Code of Laws of South Carolina](#), 1976, provides:

‘(i)n instances in which a warrant charging a crime beyond the jurisdiction of a magistrate is issued by a coroner, a preliminary investigation as provided for herein shall be granted, upon demand of the defendant, by the magistrate having territorial jurisdiction.’

Therefore, pursuant to such, a preliminary hearing may be held in such circumstances.

I am also enclosing a copy of 1970 Op. Attorney General No. 2962 p. 222 which you requested.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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