

1981 WL 157932 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 26, 1981

*1 Mr. Jack Moore
President
Jack's Transmission & Marine, Inc.
Post Office Box 717
Lake City, South Carolina 29560

Dear Mr. Moore:

Mr. McLeod has referred your letter of August 24, 1981, to me for reply. As you know, your employee can hire a private attorney and demand a jury trial on this charge. This would probably be the most effective method of challenging the accuracy of the radar system in question, as well as the fairness of the ticket.

I should point out to you, however, that South Carolina Code of Laws, Section 56-5-1510, provides as follows:
Notwithstanding any other provision of law to the contrary, it shall be unlawful to operate a motor vehicle upon the streets and highways of this state at a speed in excess of 55 miles per hour.

Thus, if your employee was exceeding the posted limit of 55 miles per hour, he was in violation of the letter of this law.

Your concern that Coward is a 'set-up speed trap' has been noted, and we will be alert for any additional complaints in the future concerning this possible problem.

I thank you for the interest you have shown in this matter, and if I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

John M. Barton
Assistant Attorney General

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