

1981 S.C. Op. Atty. Gen. 116 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-95, 1981 WL 96620

Office of the Attorney General

State of South Carolina

Opinion No. 81-95

December 16, 1981

**\*1 Re: Booker Tony James Member, South Carolina Family Farm Development Authority**

The Honorable Richard W. Riley

Governor

Post Office Box 11450

Columbia, South Carolina 29211

Dear Governor Riley:

Mr. James, who is a member of the South Carolina Family Farm Development Authority, has heretofore been indicted by a federal grand jury in the Charleston Division of the District of South Carolina upon a charge of conspiracy to violate [21 U.S.C. § 846](#) and [§ 841\(a\)\(1\)](#). The basic charge is conspiracy to possess with intent to distribute a Schedule I Controlled Substance, specifically marijuana. § 812.

You inquire as to whether this offense involves moral turpitude.

In the opinion of this Office, such a charge does involve moral turpitude within the meaning of appropriate constitutional and statutory provisions relating to your authority to suspend officers or employees of this State upon their indictment for crimes involving moral turpitude.

The offense charged in this instance is the same as that charged against a county commissioner about which you had also inquired, and a copy of the first two pages of that opinion are herewith enclosed. The remaining portions of the opinion are not pertinent to the issue here involved.

I advise, therefore, that conspiracy to violate the provisions of [21 U.S.C. § 846](#) and [§ 841\(a\)\(1\)](#) involves moral turpitude.

Very truly yours,

Daniel R. McLeod

Attorney General

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