

1979 WL 42808 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 13, 1979

*1 The Honorable Murray B. White
Magistrate, Fort Mill Township
114 Springs Street
Fort Mill, South Carolina 29715

Dear Judge White:

In your letter dated January 16, 1979, to this Office, you asked whether in light of the decision of the South Carolina Supreme Court in State of South Carolina ex rel. McLeod v. Crowe, Opinion No. 20805, filed November 13, 1978, a State highway patrolman may bring a case to trial in a different magisterial district of the county than where the arrest was made. This Office has stated that pursuant to the Crowe decision, all magistrates now have county-wide territorial jurisdiction in both criminal and civil cases. (See Opinion dated November 16, 1978, from Attorney General McLeod to Mr. Atwater). Therefore, in the opinion of this Office, a case may be prosecuted by a State highway patrolman in a different magisterial district of the county than where the arrest was made. You are correct in the example cited in your letter that a case made by a patrolman in the Fort Mill magisterial district of York County could be set for trial in the Clover magisterial district of York County.

However, please be advised that pursuant to a conversation with Colonel Seaborn of the Highway Patrol, it remains the policy of the Highway Patrol to prosecute a case made by a highway patrolman in the same magisterial district that the arrest was made. Therefore, it does not seem likely that the situation questioned in your letter should arise.

As to your remaining question concerning press coverage of a preliminary hearing, I am working on a response to such question but have not as yet fully researched the question.

Sincerely,

Charles H. Richardson
Assistant Attorney General

1979 WL 42808 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.