

1980 WL 120925 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 14, 1980

**\*1 Re: Opinion on § 61-9-100, 1976 Code**

The Honorable Bernard G. Walker  
Captain  
Police Department  
P. O. Box 296  
Mount Pleasant, South Carolina 29464

Dear Captain Walker:

I am writing in reference to your letter requesting information on the above. A violation of § 61-9-100, [Sunday beer sales] may be proved by circumstantial evidence and does not require direct observation of the sale. However, as the Court noted in [State v. Graham](#), 237 S.C. 278, 117 S.E.2d 147, 'it is necessary that every circumstance relied upon by the state be proven beyond a reasonable doubt; and that all of the circumstances so proven be consistent with each other and, taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.' Proof of corpus delicti of a Sunday beer sale may be made by circumstantial evidence when that is the best obtainable.

A violation of § 61-9-100 declares that all 'beer and wine found within the said place of business is hereby declared contraband and shall be seized.' There is no authorization to seize, as contraband, other alcoholic liquors. I remain

Very truly yours,

Edwin E. Evans  
Assistant Attorney General

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