

1980 WL 120872 (S.C.A.G.)

Office of the Attorney General

State of South Carolina  
September 12, 1980

\*1 Wendell O. Adams  
Magistrate  
P. O. Box 1152  
Walterboro, SC 29488

Dear Magistrate Adams:

In a letter to this office, you forwarded a copy of an arrest warrant charging an individual with a fraudulent check violation which was sent to you for your endorsement pursuant to [Section 22-5-190, Code of Laws of South Carolina 1976](#) inasmuch as the defendant in the warrant resides in your county. You indicated that you were reluctant to endorse the warrant inasmuch as you were concerned as to whether the warrant states facts sufficient to constitute the offense of issuing a fraudulent check.

Enclosed please find copies of two previous opinions of this office, letters dated December 9, 1974 and January 16, 1974, which indicate that the statute providing for the endorsement of an arrest warrant  
' . . . does not place on the countersigning magistrate any duty for ascertaining probable cause or other duties incident to the issuing of an arrest warrant. It is inconceivable that the legislative intent of the statute was to give to the countersigning magistrate any power to override the decision of his fellow magistrate and thereby void the effectiveness of the warrant.'

The opinions also indicate that the endorsement of a properly issued warrant is mandated to the magistrate with jurisdiction to do so. Therefore, referencing such opinions, it appears that pursuant to [Section 22-5-190](#), you are obligated to endorse the warrant and the issue of whether the warrant states facts sufficient to constitute an offense is not a matter for your concern.

If there are any other questions concerning the matter, please do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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