

1977 S.C. Op. Atty. Gen. 137 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-176, 1977 WL 24518

Office of the Attorney General

State of South Carolina

Opinion No. 77-176

June 6, 1977

*1 Mr. James B. Ellisor
Executive Director
State Election Commission
Post Office Box 5987
Columbia, South Carolina 29250

Dear Mr. Ellisor:

I am in receipt of your recent letter in which you have inquired whether or not a plea of nolo contendere to the statutory offense of obtaining goods under false pretenses constitutes disqualification of a registered voter in South Carolina.

South Carolina Code of Laws, 1962, as amended, Section 23–62(5)(b) states in part that
Persons convicted of . . . obtaining goods or money under false pretenses . . . shall be disqualified from being registered or voting, unless such disqualification shall have been removed by pardon.

Section 17–504 of the South Carolina Code states that a defendant may plea nolo contendere; and if he does, the plea will be treated as a guilty plea. 22 C.J.S., Criminal Law, § 425(4) states that
When accepted by the court, the plea of nolo contendere . . . becomes an implied confession of guilt, and, for the purposes of the case only, equivalent to a plea of guilty, or to a conviction after a trial on the merits; and, when judgment has been entered on the plea, the record is competent evidence of the fact of conviction. (emphasis added).

See also 1948–49 Ops. Atty'. Gen. 125.

Therefore, if a person pleads nolo contendere to a disqualifying offense, as set out in Section 23–62(5)(b) of the Code, it would be considered a conviction of the offense, and the person would be disqualified to register and vote.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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