

1977 S.C. Op. Atty. Gen. 174 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-231, 1977 WL 24573

Office of the Attorney General

State of South Carolina

Opinion No. 77-231

July 22, 1977

*1 Honorable Donnie V. Myers
Lexington County Solicitor
Lexington County Courthouse
Lexington, South Carolina 29072

Dear Donnie,

You have inquired if in cases where a criminal warrant has been issued by a magistrate in one county and is subsequently forwarded to a magistrate in another county for service upon the accused, which of those magistrates should set the bail for the defendant.

In South Carolina an endorsing magistrate in another county may admit the accused to bail. [State v. Rabens, 79 S.C. 542, 60 S.E. 442 \(1908\)](#). Since the endorsing magistrate would be the one with jurisdiction over the defendant, he may set the bail for the defendant. However in the event the endorsing magistrate declines and the defendant is then transferred back to the county where the warrant was originally issued, it would be incumbent then for the magistrate who initially issued the warrant to consider bail.

If there are any further questions, do not hesitate to call.

Sincerely,

Charles H. Richardson
Staff Attorney

1977 S.C. Op. Atty. Gen. 174 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-231, 1977 WL 24573

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.