

1977 WL 36966 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 15, 1977

***1 RE: Providing List of Prospective Jurors and Jurors Selected to the Defendant in Cases within the Trial Jurisdiction of Magistrates**

Neal Forney
Assistant Director
S. C. Court Administration
Post Office Box 11788
Columbia, South Carolina 29211

Dear Mr. Forney:

Thank you for your letter of November 3, 1977, to the Attorney General regarding the above-referenced matter. Your letter has been referred to me for reply.

You have first asked whether a magistrate should provide the defendant with a list of the eighteen (18) prospective jurors prior to the striking of the jury. Section 22-3-780 of the 1976 Code of Laws of South Carolina does not require a magistrate to provide the defendant with a list of the eighteen (18) prospective jurors prior to the striking of the jury nor is such a right otherwise known to exist in our law. However, it is otherwise within the magistrate's discretion whether or not to provide the defendant with a list if he feels it would contribute to the fairness of the proceedings. There is no language in the section prohibiting the magistrate from so exercising his discretion.

You have next asked whether the defendant is entitled to a copy of the list of six (6) jurors who are ultimately selected. Please be advised that the above-referenced statute does not require that the defendant be given a copy of the list of the six (6) jurors. Again, it appears to be within the magistrate's judicial discretion whether to provide the defendant with such a list in the interest of fundamental fairness. Certainly, when the defendant or his attorney has elected not to attend the jury selection process, it would be appropriate to supply that information upon request. However, in usual situations where the defendant or his attorney are present during the selection process, he would already have sufficient access to the necessary information and the magistrate would be under no duty to furnish an additional list containing information which the defendant already has in his possession.

I trust the preceding discussion will adequately answer your questions. However, should you have any further questions or suggestions, please feel free to contact me.

Very truly yours,

Richard P. Wilson
Assistant Attorney General

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