

1977 WL 36968 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 15, 1977

\*1 Neal Forney  
Assistant Director  
S. C. Court Administration  
Post Office Box 11788  
Columbia, South Carolina 29211

Dear Mr. Forney:

In response to the letter from Assistant Solicitor Evans M. Bunch in which he asked for advice as to the scheduling of preliminary hearings and who should be notified of such, please be advised that there are no statutory requirements concerning such scheduling. In the opinion of this Office, it is incumbent upon the defendant who requests a preliminary hearing within Section 22-5-320, Code of Laws of South Carolina, 1976, to take such precautions as are necessary to make himself available for such a hearing when it is scheduled. The magistrate may notify the defendant or as is the usual practice, defendant's attorney, and when the attorney is so notified, he should make contact with the defendant. The defendant by requesting such a hearing should make himself readily available to his attorney or the magistrate and should stay in such contact with these parties that when a preliminary hearing is scheduled, it will be unnecessary that any inordinate amount of time be allowed for notification of the necessary parties. Reasonable notice, is all that is required.

Sincerely,

Charles H. Richardson  
Staff Attorney

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