

1977 S.C. Op. Atty. Gen. 277 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-347, 1977 WL 24686

Office of the Attorney General

State of South Carolina

Opinion No. 77-347

November 3, 1977

*1 J. Stanley Bird

Chief of Police

City of Myrtle Beach Police Department

10th Avenue North

Myrtle Beach, South Carolina 29577

Dear Chief Bird:

Your letter to the Attorney General has been referred to me for reply. Thank you for your patience in awaiting our response.

As you note in your letter, Act No. 482 of 1976 prohibits disposing of traffic cases until ten (10) days following the day of arrest unless the individual defendant voluntarily waives that period either by entry of a plea to the charge or by forfeiture of his bail. In your particular situation, it might be possible to ask the defendant if he desires an immediate disposition of the matter while he is in the area. If so, a short written statement to that effect could be signed by him and kept in the trial judge's file. With that written voluntary waiver dispositions could be had in compliance with the Act prior to the passing of the ten-day period. Otherwise, the defendant will simply have to reappear at the scheduled time or face trial in his absence.

I trust the preceding discussion sufficiently answers your questions in this regard, however, if 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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