

1978 WL 34666 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1978

*1 Honorable Donald V. Myers
Solicitor
Eleventh Judicial Circuit
Lexington County Court House
Lexington, SC 29072

Dear Solicitor Myers:

You have inquired as to whether Lexington County Magistrates and city recorders have concurrent jurisdiction to issue arrest warrants for crimes occurring within the respective city limits. A recent Supreme Court decision addressed this question and held that the 'jurisdiction conferred on Recorders, therefore, includes concurrent jurisdiction with magistrates to issue warrants for arrests within the city limits for offenses beyond their jurisdiction to try . . . ' [State v. Blue](#), 264 S.C. 468, 474, 215 S.E.2d 905 (1975). A recent opinion by Joseph R. Barker of this office dated October 6, 1977, is also instructive. A copy is enclosed for your convenience. However, it should be noted in this regard that the allocation of fine monies will be determined by the court in which the particular action is instituted.

You have also asked whether only the actual arresting officer may sign an arrest warrant. In effect, you asked whether arrest warrants may be issued on hearsay evidence. Again, court decisions are dispositive. [Jones v. United States](#), 362 U.S. 257, 80 S.Ct. 725, 4 L.Ed.2d 697 (1960), involved the issuance of a search warrant but is nevertheless instructive in noting that hearsay evidence may be used to establish probable cause for the issuance of a warrant so long as there is a substantial basis for crediting the hearsay testimony.

The facts of your situation, as I understand them, are that other officers appear before the Magistrate on behalf of the arresting officer and relate what facts they are in possession of to the Judge in order to show probable cause for the issuance of a warrant against persons already in custody. I perceive no impropriety in such a practice so long as the affiant is able to satisfy the inquiring Magistrate that sufficient facts and information exist to support the issuance of the warrant, which determination, of course, is entirely in the Magistrate's good judgment.

I trust the preceding discussion adequately answers your questions, however, if you need any further assistance in this regard, please feel free to contact me.

With best personal regards, I am
Very truly yours,

Richard P. Wilson
Assistant Attorney General

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