

1979 WL 43050 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1979

*1 Mr. Harry Shaw
Attorney at Law
5861 Rivers Avenue
West Charleston, S. C. 29405

Dear Mr. Shaw:

In a recent telephone conversation you asked whether a change of venue may be granted which would transfer a criminal case from a municipal court to a magistrate's court.

Please be advised that I am unaware of any statutory provisions authorizing such a change. Furthermore a previous opinion of this office, a letter from Mr. Coleman to Captain Fairey dated October 6, 1976 stated:

Section 43-131 . . . (now 22-3-920 in the 1976 Code of Laws) . . . providing for change of venue in certain cases, has to do with magistrates' courts only, and insofar as I have been able to find, there is no provision of law requiring or permitting the transfer of a criminal case from a town court to a magistrate.

Therefore, a change of venue from a municipal court to a magistrate's court is not authorized.

Hopefully the above is in complete response to your inquiry.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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