

1978 WL 35160 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1978

*1 Franklin E. West
Sheriff
Charleston County
P. O. Box 605
Charleston, S. C. 29402

Dear Sheriff West:

In a recent letter to this Office you stated that [Section 17-7-100 of the 1976 Code](#) directs the sheriff or any constable of a county to summon a jury of fourteen individuals of the county for purposes of an inquest. You state however that such section does not make reference to where these jurors are drawn from or by whom.

As you indicate, [Section 17-7-100](#) provides that when a coroner determines that an inquest shall be held, . . . he shall make out his warrant directed to all or any of the constables of his county or to the Sheriff of his county, requiring them or any of them forthwith to summon a jury of fourteen men of the county within a radius of ten miles to appear before him at the time and place specified in the warrant.

I further direct your attention to the special provision regarding the coroner of Charleston County which was codified in the 1962 Code of Laws as Section 17-75. This section states:

The coroner and his deputy, subject to his orders and instructions, shall perform all the duties of coroner within the county and shall summon and warn all jurors for inquests held by them or either of them.

As you can see, this section also does not specifically reference the manner in which jurors are to be chosen. Therefore, I am unaware of any statutory provision which indicates that jurors for a coroner's inquest are to be chosen in any specified manner, as is provided for the selection of jurors in circuit or magistrate's courts.

The only recommendations this Office can make as to the selection of jurors for coroners' inquests are that perhaps these jurors could be selected from the regular jury list if such were to be provided to you for your use. However those drawn by such method would have to meet the ten mile requirement referenced by [Section 17-7-100](#). Also, there is provided by [Section 14-7-210 of the 1976 Code](#) of Laws for the maintenance of a 'tales box' into which names of not less than one hundred nor more than eight hundred persons whose names appear on the jury list and who reside within five miles of the courthouse are placed. Perhaps such may be of benefit to you in the selection of a jury. However, I would suggest that you contact your County Attorney for his recommendation as to how such juries may be selected for your particular situation.

With best wishes, I am
Very truly yours,

Charles H. Richardson
Assistant Attorney General

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