

1975 S.C. Op. Atty. Gen. 22 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3946, 1975 WL 22244

Office of the Attorney General

State of South Carolina

Opinion No. 3946

January 27, 1975

**\*1 In Re: Criminal Law—Entrapment**

Honorable W. L. Fortner

Post Office Box 466

Easley, South Carolina

You have inquired whether or not it constitutes entrapment for a law enforcement officer to go into a business establishment with a minor under 18 years of age, instruct the minor to request the purchase of beer, then arrest the seller when an illegal sale is made.

Under the ruling of the U.S. Supreme Court in U.S. V. Russell, 41 L.W. 4538, dec. April 24, 1973, such activity would not constitute entrapment. The Supreme Court said in Russell:

‘[the defense of entrapment is available to the] unwary innocent, [but not to the] unwary criminal.’

Yours very truly,

Joseph C. Coleman

Deputy Attorney General

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