

1975 S.C. Op. Atty. Gen. 12 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3927, 1975 WL 22225

Office of the Attorney General

State of South Carolina

Opinion No. 3927

January 9, 1975

***1 In Re: Inquests**

Honorable W. L. Drew
Coroner
Marion County
Marion, South Carolina

Dear Coroner Drew:

You have inquired whether or not you may conduct an inquest 'when the defendant's attorney is not present'.

An inquest is not a criminal trial, but is more in the nature of a review of available testimony to determine the nature of the act that brought about the death, and, if possible, the names of those thought to be responsible, i.e.:

1. Cause of death. (gunshot wound, poison, automobile accident, etc.)
2. Was death accidental or the result of a criminal act of some person, whether of the deceased or of another.
3. If accidental, was the accident the result of an act of God, (lightening, for example) or of some person.
4. If the death was the result of a criminal act, who are the persons responsible for the death.

Since no person is on trial at a coroner's inquest, there is no 'defendant' insofar as that proceeding is concerned. Even though some person might have been charged with the death by warrant or indictment, such charge is not incorporated in the inquest proceedings before the coroner. In other words, a coroner's inquest is not a criminal proceeding in the sense that there is an adjudication of guilt.

It is the opinion of this Office that it is not necessary under any statutory or constitutional provision for the attorney of a suspect to be present at a coroner's inquest.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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