

1975 S.C. Op. Atty. Gen. 67 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3998, 1975 WL 22296

Office of the Attorney General

State of South Carolina

Opinion No. 3998

March 18, 1975

\*1 Honorable Wade S. Weatherford, Jr.  
Presiding Judge  
Thirteenth Judicial Circuit  
C/O Honorable Robert M. Ariail  
Assistant Solicitor  
County Courthouse  
Greenville, South Carolina 29601

Dear Judge Weatherfore:

I received today a number of telephone calls from Bob Ariail. Although I am not sure I understand everything that I need to understand, I will state the following.

It is my opinion that the General Sessions Court has jurisdiction to try and sentence a 16 year-old on a charge of armed robbery where the Family Court has previously waived jurisdiction to the Circuit Court. The Family Court having waived jurisdiction, the 16 year-old is thereafter tried and convicted for a crime as opposed to being adjudicated a delinquent. He is before the Court in the same status as an adult and may be sentenced as an adult to whatever term the Court chooses, the crime of armed robbery carrying a maximum penalty of twenty-five (25) years. Under the recent legislation, the Director of the Department of Corrections would be the proper authority, and in fact the only authority, having custody of the defendant; and the Director must, pursuant to the statutes, place him in a Youth Services institution at least until the defendant reaches the age of 17. I may be wrong, but that is my opinion. I hope I have answered your question and that the foregoing is what you desire. If there is anything further, please do not hesitate to ask.

With kindest personal regards.

Yours very truly,

Emmet H. Clair  
Assistant Attorney General

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