

1975 WL 29704 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 14, 1975

***1 In Re: DUI, Crossing County Lines, Venue for Trial**

Honorable P. F. Thompson
Commanding Officer
State Highway Patrol
P. O. Box 191
Columbia, South Carolina

Dear Colonel Thompson:

You have requested the opinion of this office as to the proper trial venue of a DUI charge in which the defendant was first seen in one county and pursued by the arresting officer and stopped in another county.

In such a case as you set forth, either county would have jurisdiction to try and dispose of the DUI charge. Since it is the prerogative of the State, usually by action of the Circuit Solicitor, but in DUI cases usually upon action of the arresting officer to bring a criminal prosecution in any jurisdiction in which venue is proper, the arresting officer in the case about which you inquire has the right to prefer the charge in either county.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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