

1975 WL 28909 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1975

*1 The Honorable Randolph Murdaugh, Jr.
Solicitor
Fourteenth Judicial Circuit
Post Office Box 457
Hampton, South Carolina 29924

Dear Buster:

Thank you for your letter of May 20 concerning the removal of a judgment against a bondsman whose principal did not appear and whose bond was therefore estreated.

I do not see any basis for allowing the bondsman to have the order of estreatment vacated. Bond forfeiture obtains if the defendant fails to appear at the time scheduled for the proceeding in his case and he is not relieved of liability by a belated appearance after he is subsequently apprehended. [State v. Bailey, 248 S.C. 438, 151 S.E.2d 87 \(1966\)](#). The bondsman had the opportunity to present to the court facts in mitigation of estreatment of the bond at the time the defendant was returned to this jurisdiction; however, inasmuch as it has been five years since the estreated bond was paid into the general funds of the county, it seems to me that he is without a means of relief. There is a big row going on in Richland County now in some cases against bondsmen and, according to the paper, the only ones that have been relieved are those who have shown that they did not have notice of the estreatment; however, I am not precisely certain on this.

I think that he has to move promptly to be relieved of estreatment, or a part of it, and this man apparently has certainly not done that.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

1975 WL 28909 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.