

1974 WL 27644 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 25, 1974

***1 In Re: Worthless Check Violations - - Indorser**

Honorable James Price
Judge
County Court
County Court House
Greenville, South Carolina

Dear Judge Price:

Some time ago you requested some research on the question of whether or not an indorser could be held criminally liable under the State's fraudulent check law.

No South Carolina case on the question is noted, but the following general rule is quoted from Wharton's Criminal Law and Procedure, Anderson, Section 613:

'The worthless check acts are ordinarily not applicable to an indorser - - -, unless it can be established that such person was a party to the scheme to defraud or that he had knowledge thereof.' [Siegel v. Com.](#), 176 Ky. 772, 197 S.W. 467; [Siegel v. Com.](#), 177 Ky. 232, 197 S.W. 809; [Dawson v. State](#), 79 Tex. Crim. 371, 185 S.W. 875. [Notice of dishonor prima facie evidence], etc.

It is significant, also, I believe, that the provisions relating to the effect of notice of dishonor creating prima facie evidence of fraudulent intent, contained in Section 8-177, as amended, applies only to the drawer or maker of a check.

It is my opinion that the general rule as quoted above from Wharton's is probably the law in this State.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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