

1974 S.C. Op. Atty. Gen. 129 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3758, 1974 WL 21273

Office of the Attorney General

State of South Carolina

Opinion No. 3758

April 22, 1974

*1 William E. Winter, Jr., Esquire
Hall, Hall and Daniel
Attorneys at Law
Post Office Box 249
Gaffney, South Carolina 29340

Dear Mr. Winter:

Your letter of recent date addressed to the Attorney General has been referred to me for reply.

In your letter, you state that you are now an Assistant Solicitor in the Seventh Judicial Circuit and have been representing the State Highway Patrol in cases in the Magistrate's Court in Cherokee County. The question you raise is whether or not you are entitled to charge the State for your services in the trials in the Magistrate's Court in addition to your Assistant Solicitor's salary.

The statement is made in your letter that 'the Solicitor's job does not entail the trial of cases at the Magistrate's level'; however, this conclusion is erroneous. The Solicitor is required to perform the duties of the Attorney General and assist the Attorney General in all suits of prosecution in behalf of the State when directed to do so by the Governor or by the Attorney General. Section 1-251, Code of Laws of South Carolina (1962). Your appointment as Assistant Solicitor in Cherokee County apparently arises by virtue of Act No. 611 of the 1973 Acts and Joint Resolutions, page 1132. Cf. Section 1-260.

In the opinion of this Office, you are required to represent the State Highway Patrol in the Magistrate's Court when requested to do so, and it would be impermissible for you to claim separate reimbursement for your services in Magistrate's Court from the State in addition to your regular salary as Assistant Solicitor.

Yours very truly,

Reymond G. Halford
Assistant Attorney General

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