

1974 WL 27841 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 1, 1974

***1 In Re: Saturation Squads, Setting DUI Trials**

Colonel P. F. Thompson
Commanding Officer
State Highway Patrol
Post Office Box 191
Columbia, South Carolina 29202

Dear Colonel Thompson:

You have inquired as to the feasibility of modifying your recently-adopted 3-5 day rule on setting DUI cases for trial insofar as prosecutions by members of so-called saturation squads are concerned.

The reason for the modification suggested by Major Seaborn is that saturation squads are scheduled for court appearances each Monday. They are then off-duty on Tuesday and Wednesday - - - then report for saturation duty on Thursday for duty through the following Monday in another part of the State.

Initially, it appears to me that the very tight schedule you have set for your saturation squads does not permit sufficient latitude to provide adequate attention by those enforcement officers to disposition of their cases in the courts. This critique is made solely from the legal procedure point of view, and is not intended to be a comment relative to enforcement policy.

Without too much question, the fact that your saturation squad officers are not readily available for jury trials or other court appearances after Monday of each week will tend to create pressures to accept lesser-offense pleas in order to dispose of cases, and will no doubt be used by defense attorneys in efforts to wear cases out by continuances. These things, however, are inherent in any system entailing the use of transient enforcement personnel. I mention them only because I feel that they are practical problems that must be faced when evenhanded law enforcement is a major goal - - as I know it is with you.

It is suggested by Major Seaborn that it might be feasible to modify your recently-adopted plan relative to the setting of DUI cases for trial by permitting SATSQUAD officers to set all DUI cases for trial the following Monday when the defendant has stated that he intends to plead guilty and does not wish a trial.

It is my opinion that the Seaborn Modification Plan for SATSQUAD members is acceptable when the defendant indicates to the arresting officer that he is not represented by an attorney, does not wish a trial, and intends to plead guilty to the DUI charge. Officers should be cautioned that such statement should be elicited from the defendant only when the defendant is apparently in full possession of his mental faculties. The fact that a defendant is in jail does not preclude the giving of such a statement.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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