

1974 WL 27489 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 21, 1974

**\*1 In Re: Charleston County Medical Examiner, Powers and Duties**

Honorable Kenneth Chue  
Coroner  
Charleston County  
2 Court House Square  
Charleston, South Carolina

Dear Mr. Chue:

You have inquired generally as to the powers and duties of the Charleston County Medical Examiner with respect to his investigations of violent or unexplained deaths, particularly as those powers and duties might relate to your authority as Coroner of Charleston County. It is my understanding that your inquiry is directed specifically to the question of whether or not the Medical Examiner is limited in his investigation to a determination of the cause of death by means of laboratory examination of dead bodies.

With respect to violent or unexplained deaths, Section 17-166, 1962 Code of Laws of South Carolina, as amended, reads: 'The county medical examiner shall make immediate inquiry into the cause and manner [emphasis added] of death and shall reduce his findings to writing—.'

'Manner of death' is defined in Section 17-161(2) as follows:

'The term 'manner of death' shall refer to the means or fatal agency that caused a death. Manner of death shall be classified in one of the five following categories: A. Natural, B. Accident, C. Homicide, D. Suicide, E. Undetermined.

Even if the Medical Examiner can determine the cause of death by means of a laboratory post mortem examination, it is obviously impossible for him to determine the manner of death, as it is his statutory duty to do, by such means. For example, he could not make a factual finding of whether or not a gunshot wound causing death was the result of accident, homicide or suicide, without some investigation extending outside the laboratory.

Whether or not the Medical Examiner is qualified to make such investigations or whether or not you and police authorities might be better qualified in that area by training and experience, are questions that are not properly before this Office—because the statute clearly empowers the Medical Examiner to make such investigations.

The General Assembly apparently has not seen fit to carve out exclusive areas of jurisdiction in the investigation of violent or unexplained deaths between county coroners, police agencies and, in the case of Charleston County, the office of medical examiner. Even as between various police agencies [county, city, and State], there is no delineation of exclusive authority to investigate such matters.

In view of the foregoing, it is the opinion of this Office that the duties and powers of your Office and those of the Medical Examiner of Charleston County overlap to a great degree, and, specifically, that the Medical Examiner is not limited to

laboratory post mortem examinations to determine the cause of death. He may conduct reasonable investigation outside the laboratory to determine the manner of death.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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