1974 S.C. Op. Atty. Gen. 330 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3897, 1974 WL 21393

Office of the Attorney General

State of South Carolina
Opinion No. 3897
November 27, 1974

***1 A verbatim record of trial proceedings in a magistrate's court need not be kept; nor need a copy of the record be furnished to the attorney at court expense.**

Magistrate
Sumter, S. C.

Last Friday you asked whether a magistrate is required to keep and furnish an exact record of a trial upon demand of the defendant. It is the opinion of this Office that he does not.

Section 43–122 of the 1962 Code of Laws states that the testimony of all witnesses must be taken down in writing and signed by the witness, unless waived by the defendant. This has previously been interpreted as not meaning a stenographic verbatim transcript of the testimony. 1971 Atty. Gen. Op. No. 3206, p. 186. Instead, the magistrate may note down the gist of what each witness said. *Id.* Presumably, the witness would then verify the magistrate's synopsis by attaching his signature thereto.

Furthermore, there is no requirement that the magistrate furnish to an attorney a copy of such testimony. *Id.* Presumably, he may obtain a copy at his own expense.

Any interpretation of the law otherwise, in my opinion, would be inconsistent with the fact that magistrates' courts are not courts of record, and therefore are not burdened with many of the formalities of courts of superior jurisdiction, due to the enormous volume of misdemeanor cases handled in magistrate's court.

It is my opinion, therefore, that a verbatim record of trial proceedings in magistrate's court need not be kept; nor need a copy of the record be furnish to the attorney at court expense.

Richard P. Wilson
Staff Attorney

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