

1974 S.C. Op. Atty. Gen. 356 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3917, 1974 WL 21413

Office of the Attorney General

State of South Carolina

Opinion No. 3917

December 19, 1974

***1 A true bill rendered by a grand jury is not affected by a subsequent preliminary hearing.**

Director

S. C. Court Administration

Attorney General McLeod has referred to me your inquiry of December 11, 1974, concerning the effect of a preliminary hearing held after a grand jury has rendered a true bill on an indictment presented to it. It is assumed that no timely request for a preliminary hearing was made and thus that the grand jury of the Court of General Sessions had jurisdiction to render a true bill. (cf. § 43-232; *State v. Funderburk*, 259 S.C. 256, 191 S.E.2d 520 (1972)).

In Opinion No. 2745, 1969 Op. Atty. Gen. 214, it was stated that a true bill is not affected by a subsequent preliminary hearing; a copy of this opinion is enclosed. Hopefully, this provides a complete answer to your question.

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Staff Attorney

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