

1973 WL 26754 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1973

***1 Re: No. 270—Search and Seizure**

Honorable Robert O. Conoley
City Attorney
18 Beattie Place
Greenville, South Carolina 29601

Dear Mr. Conoley:

Thank you for your letter dated May 21, 1973, in which you state that you have concluded that Section 17-259 prohibits the service on Sunday of arrest and search warrants in connection with gambling offenses. We concur with your conclusion.

Absent an amendment to the aforementioned statute, an arrest for gambling can be made on Sunday only when the gambling occurred within the arresting officers view and a search for gambling apparatus can be conducted on Sunday only when the search is incidental to a proper arrest.

Sincerely,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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