

1973 WL 26807 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 9, 1973

***1 In Re: Coroners, Duties**

Honorable Wilton E. Mackey
Coroner
County Court House
Anderson, South Carolina 29621

Dear Mr. Mackey:

You have asked several questions relative to the duties of coroners:

I.

When a coroner feels that an adequate investigation of a death has been made by police authorities, is it mandatory that the coroner hold an inquest?

REPLY: Section 17-91, 1962 Code of Laws of South Carolina, reads in part:

‘Whenever a body is found dead and an investigation or inquest is deemed advisable . . .’

Section 17-96 reads in part:

‘. . . [E]very coroner . . . may take inquest of casual or violent deaths when the dead body is lying within his county.’ (Emphasis added).

In view of the language of Section 17-51 et seq., it is the opinion of this Office that it is within the discretion of the coroner in each case whether or not an inquest shall be held. Your attention is directed to the requirement that a preliminary investigation must be made before a formal inquest can be held. [Moses v. Sumter County, 55 S.C. 502, 33 S.E. 581.](#)

II.

When a magistrate's preliminary hearing on a criminal charge arising out of a death has been held, is it lawful for the coroner to hold an inquest thereafter?

REPLY: A preliminary hearing by a magistrate has no bearing on whether or not an inquest shall be held.

III.

What is the form of verdict that a coroners jury may return?

REPLY: A form of verdict suggested by Section 17-104 is attached for whatever use you wish to make of it.

Yours very truly,

Joseph C. Coleman

Deputy Attorney General

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