

1973 WL 26820 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 18, 1973

**\*1 In Re: Court Records Act R-585 of 1973**

Honorable William A. Dallis  
Court Administrator  
Supreme Court Building  
Columbia, South Carolina

Dear Mr. Dallis:

Enclosed is an inquiry directed to the Attorney General from Honorable John C. Williams, Jr., of Spartanburg, inquiring as to the manner in which provisions of R-585 (1873), providing for expunging records of a criminal charge upon finding of not guilty, might be implemented. There is no statute directing how records of this kind might be erased. It is felt that this might be a matter coming more properly within the purview of your office.

I can foresee considerable difficulty, as I know you can, in full compliance with R-585. For example, every indictment must be entered by the Clerk on a criminal docket and every arrest warrant issued should be entered on the permanent criminal book of a recorder or magistrate. Further, there is no statutory provision for the custody of arrest warrants once they have been executed. For the most part, in general sessions cases, at least, they find their way to the Solicitor's Office, where they are used in preparation of the indictment. Another thing that concerns me a little about R-585 in the question of how an exonerated defendant can plead double jeopardy in the event of a second prosecution if there is no record of the first trial in existence.

At any rate, if this Office can be of service in the matter, please call on us.

Yours very truly,

Joseph C. Coleran  
Deputy Attorney General

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