

1973 WL 27726 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1973

***1 Re: Public Defender Act**

Mr. John Beasley
Messrs. Beasley & Beasley
Attorneys at Law
Post Office Box 741
Greenwood, South Carolina 29646

Dear John:

Thank you for your letter of October 15 concerning the application of Item (e) of Section 5 of the Public Defender Act, which recites that public defenders shall not represent persons charged with a criminal offense under the law of this State in their private practice of law. You inquire if this precludes representation of persons for traffic violations and first offense of driving under the influence.

It is my opinion that the Public Defender Act precludes any representation by a public defender in such cases. They are criminal offenses and therefore specifically precluded by the Public Defender law. I have not run across this problem before, although some question has arisen concerning representation in counties other than those in which the public defender acts. In such cases, we have expressed the opinion that public defenders are precluded in any courts by the explicit terms of the law.

With best regards to you and Eugn, I am
Very truly yours,

Daniel R. McLeod
Attorney General

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