

1973 WL 27732 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 30, 1973

\*1 Mr. Ted D. Willis  
District Superintendent of Education  
Educational Center  
Aiken, South Carolina 29801

Dear Mr. Willis:

Mr. Henry T. Busbee, school attorney, has requested an Opinion of this Office concerning the status of a teacher suspended by the School Board of Trustees subsequent to his indictment upon a Federal Income Tax violation. Pursuant to our conversation of November 26, 1973, this letter is to confirm the oral opinion given Mr. Busbee.

As I understand the fact situation the School Board suspended the teacher involved upon the terms that if he were found innocent of any tax violation he would be then reinstated as a teacher, however if he were found guilty of such violation he would forthwith be dismissed. The attorney for this teacher has requested an Opinion of the Board as to what effects the plea of nolo contendere would have upon the terms laid down by the Board. A plea of nolo contendere simply means that the defendant has no evidence to offer on his own behalf and will allow the case to go before the Court strictly on the basis of the federal government's evidence. The Court still must find the defendant either guilty or innocent. Since the School Board's terms were that the teacher would be reinstated in the event he were found innocent or be dismissed in the event he were found guilty, the plea of nolo contendere would have no effect upon these terms and the teacher's suspension would remain in effect until such time as the Court found the teacher either guilty or innocent.

If this Office may be of further assistance, please do not hesitate to contact us.

Yours very truly,

M. Elizabeth Crum  
Staff Attorney

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