

1972 WL 25185 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 24, 1972

\*1 Honorable Q. A. Wise  
Magistrate  
Graniteville, South Carolina

Dear Mr. Wise:

You have inquired as to the legal requirements of a magistrate to grant a change of venue in a criminal matter brought to his court. Such a motion must be based on supporting facts that the defendant in question cannot obtain a fair and impartial trial in the magistrate's court. Whether or not a defendant has shown that he will be prejudiced is entirely within the discretion of the magistrate. He may grant a change of venue if he feels the defendant's motion is meritorious. If he feels that it is not meritorious, then he may deny the same.

I hope this satisfactorily answers your inquiry and if we can be of any further assistance, please advise.

Very truly yours,

Hubbard W. McDonald, Jr.  
Assistant Attorney General

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