

1980 WL 120957 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 3, 1980

*1 The Honorable John Jenrette
Horry County Court House
Conway, South Carolina 29526

Dear Congressman Jenrette:

This letter is to confirm my telephone conversation with Mr. John Miles of your office today. I have been informed that you have been convicted but that you have not been sentenced by the federal court. Your conviction, therefore, has not been certified as there are several motions still outstanding that will not be heard until next week. The question has been asked if you may vote in the election tomorrow.

[Rule 32 of the Federal Rules of Civil Procedure](#) states that ‘a judgment of conviction shall set forth the place, the verdict or findings, and the adjudication and sentence.’ See also [Frazier v. Allstate Insurance Company, 229 F. Supp. 512 \(D.C. Tenn. 1964\)](#); [36 ALR 2d 1238 Anno. What Constitutes Conviction.](#)

As of today, there has apparently not been entered by the court a final sentence or judgment in your case. The State Election Commission has not been notified of a conviction in order to delete your name from the list of registered voters, South Carolina Code of Laws, 1976, Sections 7-3-20(C)(2); 7-3-30; 7-5-120(5)(b); nor has the South Carolina Supreme Court received notification that a conviction has been entered by the federal court.

Therefore, at this time, you would still possess a valid registration certificate and should be permitted to vote. Of course, you would vote subject to the possibility every voter possesses, that your vote may be challenged.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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