

1977 WL 36984 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 2, 1977

*1 Mrs. Pat Winters
421 Main Street
N. Myrtle Beach, South Carolina 29582

Dear Mrs. Winters:

Pursuant to your request of November 17, 1977, regarding disposition of bond money on nol prossed magistrate's court cases, I have drafted a proposed form letter for your use in this regard, a copy of which is enclosed herewith.

Please bear in mind, however, that lawful notice to the defendants in these old cases most likely will cause problems due to changes of address and other reasons created by the passage of time. As we discussed, every effort should be made to notify these individuals at their current addresses. However, in every such case it should be recognized that the State has no superior right to said bond money, therefore, following this type of disposition a defendant may lawfully demand its return at a later date. I would accordingly recommend that separate bookkeeping entries or lists be maintained to ensure proper accounting and prevent fraud.

If you have any questions or suggestions, please feel free to contact me.

With best regards, I am

Very truly yours,

Richard P. Wilson
Assistant Attorney General

Dear _____:

Please be advised that the case of State v. _____ (Ticket No. _____) has been disposed of by entry of a nolle prosequi by the prosecution. This means that the case has been dropped and that the prosecution intends no further action on the charge.

Accordingly, please be further advised that if either you or your surety do not appear to recover the bond previously posted, said bond will estreat to the State and the matter will be ended.

Very truly yours,

Magistrate or Clerk

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