

1978 WL 35011 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
August 3, 1978

***1 RE: Appointment of Constable for a Particular Occasion to Select Jurors in Civil and Criminal Cases**

Mr. Neal Forney
Assistant Director
South Carolina Court Administration
P. O. Box 11788
Columbia, S. C. 29211

Dear Mr. Forney:

In a recent letter to this Office you asked the following question:

Can a magistrate appoint a secretary or person who is not an officer as a constable for a particular occasion to select jurors in civil and criminal cases triable in the magistrate courts?

Pursuant to [Section 22-9-10, Code of Laws of South Carolina](#), 1976, magistrates are authorized to appoint one person to discharge the duties of constable within the jurisdiction of the magistrate. However, magistrates are also empowered to appoint special constables. [Section 22-9-20 Code of Laws of South Carolina](#), 1976 states in part that . . . nothing herein contained shall prevent a presiding judge, a magistrate or a coroner from appointing a constable to act by virtue of such appointment only on a particular occasion, to be specified in writing.

Therefore, an individual may be appointed pursuant to the above section to carry out the duty of a constable for a particular occasion.

As you have indicated, pursuant to Sections 22-3-240 and 22-3-780, Code of Laws of South Carolina, 1976, constables are authorized to perform certain duties in relation to the selection of juries in civil and criminal cases in magistrate's courts. Therefore, in answer to your question, provided the conditions of the aforesaid [Section 22-9-20](#) are met, an individual, such as a secretary may be appointed to serve as a constable for a particular occasion to perform a specific duty, such as those duties performed by regular constables in the selection of a jury in a civil or criminal case.

With best wishes, I am
Very truly yours,

Charles H. Richardson
Assistant Attorney General

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