

1978 S.C. Op. Atty. Gen. 182 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-148, 1978 WL 22616

Office of the Attorney General

State of South Carolina

Opinion No. 78-148

AUGUST 3, 1978

***1 SUBJECT: Juries, Service of Process and Summons**

Sheriff may not serve juror summonses by regular mail.

TO: Peter D. Hyman, Esquire
Attorney at Law

QUESTION PRESENTED:

Can a sheriff serve juror summonses by regular mail rather than by personal service or certified mail?

CITATION OF AUTHORITIES:

1971 S.C. Acts, Act 562 Section 2(a);

Circuit Court Rules of South Carolina, Rule 23;

South Carolina Code of Laws (1976), Section 14-7-460;

[State v. Tidwell, 100 S.C. 248, 84 S.E. 778 \(1915\).](#)

DISCUSSION:

[Section 14-7-460 of the Code of Laws of South Carolina \(1976\)](#) and Circuit Court Rule 23 provide the general procedure for service of juror summonses. This procedure includes having the sheriff personally serve the summonses or leave them at the jurors' houses. However, in 1971 Florence County was granted a local exception to this summoning procedure. Section 2(a) of Act 562 of 1971 provides:

Summons for jury duty in any court in Florence County may be served by registered or certified mail with return receipt requested.

A review of the cases dealing with the service of juror summonses does not reveal a judicially legislated exception to the requirements of [Section 14-7-460](#). (See Cases cited in Case Notes to [Section 14-7-460](#)). The cases have held that although service was not conforming to statute, there was no prejudice to the accused, and in fact any defect of the process was cured by the attendance of the jury. These opinions did not hold that any other form of service was legal. The South Carolina Supreme Court in [State v. Tidwell, 100 S.C. 248, 84 S.E. 778 \(1915\)](#) states:

Granting that the sheriff ought to have followed the direction of the Code . . . his failure to do so was not of substance. (Emphasis added).

Therefore, service of juror summonses in Florence County should be done by personal service, or by registered or certified mail with return receipt requested as provided in Section 2(a) of Act 562, Acts of 1971.

CONCLUSION:

A sheriff may not legally serve juror summonses by regular mail.

Richard B. Kale, Jr.
Assistant Attorney General

1978 S.C. Op. Atty. Gen. 182 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-148, 1978 WL 22616

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.