

1978 WL 35128 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 21, 1978

*1 James F. Foster
Chief of Police
Town of Patrick
Patrick, S. C. 29584

Dear Chief Foster:

In your letter of September 7, 1978 to this Office you indicated that the Town of Patrick has a population of 560 persons. You indicated that the town has found it increasingly difficult to draw a jury to hear cases. I am assuming you are referring to jurors for municipal court cases. Please be advised that Section 14-25-440 states as follows

Whenever it shall appear that a sufficient number of competent jurors cannot be had for the trial of cases arising under the ordinances within the corporate limits of a town of less than one thousand inhabitants a jury or any deficiency of jurors may be drawn, as now provided by law, from the territory adjacent to such towns, provided, that no persons shall be compelled to serve as such juror who resides more than five miles from such town.

Therefore, I would advise that you follow the procedure outlined in the above referenced section. In your letter you also make reference to [Code Section 14-25-640](#). However, this would not be applicable to the Town of Patrick in as much as it is included in the article concerning juries in cities of 5,000 in population.

With best wishes, I am
Very truly yours,

Charles H. Richardson
Assistant Attorney General

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