

1978 WL 35195 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
November 1, 1978

*1 J. R. Parham
Chief of Police
Honea Path, South Carolina 29654

Dear Chief Parham:

You have made inquiry of our Office as to whether an officer may arrest subject(s) involved in a fist-fight when the officer does not actually see the first-fight, but receives a report of a fist-fight and sees evidence that a fist-fight has occurred.

Under normal conditions, I presume that the officer would wish to arrest the subject(s) for a misdemeanor such as simple assault and battery, disorderly conduct, or a possible violation of a city ordinance. However, under present statutory authority, an officer may make a warrantless arrest for a misdemeanor only if he has actually observed the misdemeanor take place. See [Sections 17-13-30, 17-13-10, and 17-13-20 of the South Carolina Code of Laws, 1976](#). Therefore, if the officer did not actually see the fist-fight take place, he would have no authority to arrest any of the participants without obtaining a warrant.

With kind regards, I am,
Yours very truly,

Robert N. Wells, Jr.
Assistant Attorney General

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