

1978 WL 35244 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
November 28, 1978

**\*1 RE: Alfred Roper**

Peter Peletz, Jr., Esq.  
Attorney at Law  
126 Market Street  
Paterson, New Jersey 07505

Dear Mr. Peletz:

You have directed to this office an inquiry concerning your client, Mr. Alfred Roper, who was convicted of a crime in Charleston, South Carolina, on or about August 25, 1937. You requested information as to whether your client's conviction record could be expunged.

The only statute in South Carolina dealing with expungment of criminal records is [S.C. Code, § 17-1-40 \(1976\)](#) which provides as follows:

Any person who after being charged with a criminal offense and such charge is discharged or proceedings against such person dismissed or is found to be innocent of such charge the arrest and booking record, files, mug shots, and fingerprints of such person shall be destroyed and no evidence of such record pertaining to such charge shall be retained by any municipal, county or state law-enforcement agency.

As I understand from your letter of November 8, 1978, your client was convicted of the criminal offense for which he was arrested. The above statute would not apply to a conviction record, and there is no other provision authorizing expungment of criminal records by virtue of a lapse of time.

I might add, however, that you could seek a pardon for your client if he has not been convicted of an offense in the past five years. This can be accomplished by requesting an application from the Probation, Parole and Pardon Board of South Carolina, Post Office Box 11368, Capitol Station, Columbia, South Carolina, 29211.

If you have any further questions or comments, please do not hesitate to advise the undersigned at this office.

Thank you.  
Very truly yours,

Lindy Pike Funkhouser  
Staff Attorney

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