

1976 S.C. Op. Atty. Gen. 273 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4420, 1976 WL 23037

Office of the Attorney General

State of South Carolina

Opinion No. 4420

August 10, 1976

\*1 Honorable Eugene Copeland, Jr.  
Chief of Police  
Bennettsville, South Carolina 29512

Dear Chief Copeland:

You have inquired whether or not a police officer may detain a subject on sight when he knows that there is a misdemeanor warrant for the person's arrest but does not have the warrant in his possession.

It is generally accepted that with regard to misdemeanors, the arrest warrant must be in the immediate possession of the officer making the arrest.

Your attention is called, however, to the fact that an unlawful arrest does not affect subsequent prosecution on the misdemeanor charge.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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