

1976 S.C. Op. Atty. Gen. 372 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4511, 1976 WL 23128

Office of the Attorney General

State of South Carolina

Opinion No. 4511

November 4, 1976

*1 Judge J. M. Wallace
Magistrate
Manning District
Manning, South Carolina 29102

Dear Judge Wallace:

I apologize for the delay in answering your correspondence concerning the enclosed ticket. I have been in Court most of the summer and have had difficulty in catching up on my paperwork. You have inquired as to whether you should dismiss a case where you are unavoidably late in arriving at the appointed time. You also indicated that the prosecuting officer had been in your Office but had left. I can see no reason, either legal or practical, why this case should be dismissed. It is not unusual for a Judge to be late to Court, but this serves as no grounds for dismissal of a criminal charge in my opinion.

As to the matter of whether the officer should have made the charges that would of course be a matter for you to decide. If based on the physical evidence when the officer arrived and statements, etc. that were made at the time the officer had probable cause to make the charges, then the summons would be valid.

I hope this will be of aid to you and, I am
Very truly yours,

Cameron B. Littlejohn, Jr.
Assistant Attorney General

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