

1975 WL 29540 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 26, 1975

*1 Wendell O. Adams, Esquire
Attorney at Law
Post Office Box 1152
Walterboro, SC 29488

Dear Mr. Adams:

You have inquired as to whether the Judge of a Municipal Court in South Carolina has the authority by statute or otherwise to expunge or seal a defendant's record of conviction or guilty plea in the Court? On the basis of the facts as you have outlined them, the young man in question cannot have the record expunged. Section 17-4 Code of Laws of South Carolina, 1962, as amended, provides:

'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. (1973 (58) 637.)'

On the basis of the foregoing and since a guilty was had, an expungement pursuant to Section 17-4 would not be warranted. Pleased find enclosed a copy of the Code Section herein cited.

Sincerely,

Herman L. Moore
Law Clerk

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